



# **ALGERIA COUNTRY REPORT**

**April 2004**

**Country Information & Policy Unit**

**IMMIGRATION AND NATIONALITY DIRECTORATE  
HOME OFFICE, UNITED KINGDOM**

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## 1. Scope Of Document

**1.1** This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

**1.2** The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

**1.3** The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

**1.4** The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

**1.5** All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

**1.6** This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

**1.7** It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

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## **2. Geography**

**2.1** The official state name is Republique populaire democratique d'Algérie (People's Democratic Republic of Algeria) or El-Djezaïr or Al-Djournhouryya Al-Djazairyya ad Dimoukratyya Ash-Shabyya. [1] [24a] Algeria is on the north-west Mediterranean coast of Africa, and is bounded by Morocco, Mauritania, Mali, Niger, Libya, Tunisia, and the disputed Western Sahara territory. [1]

**2.2** The capital is Algiers (or El-Djezaïr). The other principal towns are Oran, Constantine (Qacentina), Annaba and Blida (el-Boulaida). The area of Algeria is 2,381,741 square kilometres (919,595 square miles), four-fifths of which is in the Sahara Desert. [1] [24a] [60e] Thus, most of the population centres are on or near the northern coast. [1] [60e] [66b]

**2.3** The country is divided into 48 provinces or wilayas headed by governors. [1] [6e] [12] [23b] These are further subdivided into districts (daira) then into municipalities (communes). [12]

**2.4** The population is estimated at around 30 million. [1] [15a] [66b] The capital, Algiers, has the highest population concentration with about one and a half million people. [1] About half of the population lives in urban areas. [1] [23a] [38] [53] About 34% of the population was below the age of 15 in 2001. [23a] Most Algerians are of Arab, Berber, or mixed Arab-Berber stock. [6e] [66b] The European population has declined from over one million before independence in 1962 to less than 50,000 in 2001, most of whom are French. [66b]

**2.5** The official language is Arabic. The Berber languages, particularly Tamazight, are also spoken, particularly in the Kabylie and Aures mountain regions. French is very widely spoken and continues to be the language of business. [1] [3] [4] [14h] [24a] [53] A report by Forced Migration Online in January 2004 stated that "The official language is Modern Standard Arabic, although this is rarely spoken outside official situations. The huge majority of the population speak the Algerian dialect of Arabic, which is similar to Moroccan and Tunisian Arabic but very different from the Arab dialects of the Mashrek." [53] In April 2002 the constitution was amended to make Tamazight one of the country's national languages. [1] [7]

For further information on geography refer to source 1 - Regional Surveys of the World:  
The Middle East and North Africa 2004 50th Edition Europa Publications

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### 3. Economy

**3.1** The main unit of currency is the Algerian dinar (AD). 1 AD =100 centimes (CT) [11]  
Exchange rate approximately £1 = 130.47 AD, US\$1 =68.52 AD. [52] Paper money  
comprises banknotes with a face value of 5,10, 20 centimes and 1,2,5,10,20,50 dinars. [10]

**3.2** The south of the country is rich in natural oil and gas, the exploitation of which is  
dominated by the state-owned Sonatrach company and has been the foremost generator  
of government revenue for decades, contributing as much as 60% of budgetary revenues.  
[66b] In January 2004 the International Monetary Fund assessed that "Despite volatile oil  
markets and a difficult political and social environment, Algeria has maintained  
macroeconomic stability since the successful completion of its Fund-supported adjustment  
and reform programs in 1998. GDP growth has strongly recovered from its slowdown in  
2000, inflation has been generally maintained at industrial-country level and the external  
position has strengthened significantly." [55] However, progress to speed up privatisation of  
state enterprises and move towards a free market economy has been slow. [1]

**3.3** Officially, about 30% of the workforce is unemployed, [6e] (p1) with 50% unemployment  
for people under the age of 30. [6c] (p1, 15) [7k] [13] [47] [51] An estimated 25-30% of the  
population live below the poverty line. [66b] According to the UN Development Programme  
poverty rates in Algeria have soared in the 1990s. [23a] Algeria was ranked as one of the  
five bottom nations in terms of economic freedom by the Economic Freedom of the World  
Report in July 2003. [68b] The World Bank is providing assistance with improving the  
economy and fighting poverty. [34]

**3.4** Average annual income in 2001 was US\$1650. [60e] Also in 2001, approximately 23%  
of the population had a monthly income of less than US\$1. [13] Additional information  
provided via an Algerian human rights organisation in March 2003 was that 40 per cent of  
the population have an income of less than US\$2 per month and middle-ranking, white-  
collar employees earn approximately AD 15,000 a month. [13] The guaranteed national  
minimum wage was raised from 8000 dinars to 10,000 dinars from January 2004. [67e]

**3.5** There is frustration over socio-economic issues, notably unemployment, inadequate  
housing and poor water and electricity supplies, which has led to riots in several areas,  
including the Berber area of Kabylia. [7k] [12] [13] [47]

**3.6** According to a news report in August 2003 an official survey indicated that high  
unemployment and lack of accommodation are also affecting the social structure:  
marriages are taking place at a lower rate and later age, and over half of Algerians under  
the age of 30 are single. The report also stated that unemployed men are inclined to leave  
the country to seek economic improvement. [60b]

**3.7** Algeria entered into an Association Agreement with the EU in December 2001 that will  
require it to carry out certain economic and other reforms. [1] [13] [26b] [66b]

## 4. History

### Pre-1990

**4.1** Algeria was under French colonial rule from the mid-19<sup>th</sup> century. For most of this colonial period, official policy was to colonise the territory with French settlers, and many French citizens became permanent residents. [1] [24a]

**4.2** In 1954 the principal Algerian nationalist movement, the Front de Libération Nationale (FLN) party, began a bitter war of independence, in the course of which about 1 million people were killed or wounded. A cease-fire was agreed and independence was declared in 1962. A new Government was formed with Ahmed Ben Bella, founder of the FLN, as Prime Minister. [1]

**4.3** Following the economic problems resulting from the collapse of oil prices in the mid-80s a wave of strikes and riots culminated in considerable bloodshed and street demonstrations in 1988. [1]

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### 1991-92: Rise Of The FIS And 1991-2 Elections

**4.4** The Front Islamique du Salut (FIS) /Islamic Salvation Front / al-Jibhat al-Inqath, established in 1989, emerged as the largest and most influential opposition movement, capable of developing a nation-wide organisation based on mosques and Islamic organisations. Its promise of social justice and its grass-root welfare services appealed strongly to the urban poor and unemployed. In local elections in June 1990, the FIS gained control of 32 of Algeria's 48 provinces and 853 of the 1,539 municipalities, winning a landslide victory in all major cities. [1]

**4.5** By early 1992 the FIS was also poised to win the general elections to the National People's Assembly. [1] However, amid protests about the electoral laws and a call by the FIS for a general strike, the Government declared a state of siege and suspended the elections indefinitely. During the widespread unrest, which followed, the leaders of the FIS, including Abbasi Madani and Ali Belhadj, were arrested. [1]

**4.6** Violent clashes occurred across the country over the weekend of 8 and 9 February 1992, between police and FIS supporters. Detention centres were opened in the Sahara, and the FIS claimed that 150 people were killed, and about 30,000 detained. The Government declared a state of emergency and the FIS was banned. The Government also dissolved 411 FIS-controlled local and regional authorities. [1] [24a]

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### 1993-1998: Continuing Violence

**4.7** Throughout the period, violence in Algeria escalated. There were frequent attacks by armed Islamic groups on the population, operating autonomously across the country, [1] There were also numerous reports of violence such as bomb explosions in the main cities, and massacres of civilians, and of fighting between government security forces and armed groups. [1] The armed groups also targeted numerous categories such as government officials, judges, politicians, intellectuals, journalists and teachers. Assassinations of foreign nationals led to most embassies in Algeria advising their citizens not to travel to Algeria, and those in Algeria to leave immediately. [1]

**4.8** Algerian security forces intensified their campaign against armed Islamic groups and reports suggested that air attacks, punitive raids, and torture had been used in an attempt to eradicate the insurgents. [1] The cycle of violence intensified by mid-1997 when a series of massacres took place in villages to the south and west of Algiers increasingly referred to as the “triangle of death”. During the holy month of Ramadan, which began on 30 December 1997, more than 13,000 civilians were killed, including 400 civilians killed in one night in villages near Relizane. [1]

**4.9** The Armed Islamic Group (GIA) / Groupe Islamique Armé was widely held responsible for the massacres but it was also claimed that some units of the GIA had been infiltrated by military intelligence, and that the security forces had failed to protect the population. [1] See Section 6A Armed Groups and Annex C Main Armed Groups and Section 6A Security Forces

**4.10** Efforts to promote a negotiated end to the violence were unsuccessful. [1] However, the Islamic Salvation Army (AIS) armed group, regarded as the armed wing of the FIS, announced a ceasefire from 1 October 1997. [1] Massacres, ambushes and bomb attacks continued during late 1998 and into 1999, although not on the scale experienced during 1997 and early 1998. [1]

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## **1999-2000: Civil Concord Law And Dissolution Of The AIS**

**4.11** Abdelaziz Bouteflika was inaugurated as the new President on 27 April 1999. [1] He stated his aims were to promote civil concord, reform the economy and stamp out corruption. [1]

**4.12** The AIS declared an end to their guerrilla struggle against the government on 6 June 1999. [1] [5c] The AIS had been observing a unilateral cease-fire since October 1997. [1]

**4.13** In July the President pardoned over five thousand Islamist sympathisers. [1] Shortly afterwards he put forward a new Law on Civil Concord. [1] The Law offered an amnesty for Islamic militants not implicated in mass killings, rapes, or bomb attacks on public places, and reduced sentences for such crimes, provided they surrendered to the authorities within 6 months (i.e. by 13 January 2000). [1] [11]

**4.14** An estimated 150 [1] to 180 [7b] people were killed during the holy month of Ramadan ending on 8 January 2000. This was a similar total to the previous Ramadan toll of 140 deaths and much lower than those of 1997 and 1998. [1] [7b]

**4.15** During the Ramadan month ending on 27 December 2000 over 300 people were killed. These included over 100 members of the security forces. In several instances groups of 20-30 civilians were killed. Violence was reported across much of the north of the country, particularly to the south and west of Algiers. [7g] In 2000 about 250 people per month [11] were killed in violent incidents, the majority in rural areas [7h], a total of 2500. [7g]

**4.16** The deadline for armed groups to surrender expired on 13 January 2000. [1] Just before this deadline the AIS leader Madani Mezrag announced that the AIS would dissolve itself. [1] In return, on 11 January, the President announced an immediate full amnesty for AIS members, financial compensation for their families, housing for those whose homes



had been destroyed by the security forces, and assistance in securing employment. [1] [11] [12] [26c]

**4.17** Although the leadership of the GIA and the Salafist Group for Call and Combat (GSPC) armed groups rejected the amnesty, individual members surrendered under the terms of the Civil Concord amnesty before the deadline. [1] [7a] [7b] [12] [26c] Others continued to take advantage of the amnesty even after the expiry of the deadline. [12] [13] [26c] [51]

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## **Events Of 2001-2002**

**4.18** Reports indicated that a total of 1980 civilians, members of armed groups and members of security forces died during 2001 as a result of the ongoing violence although main cities were generally secure. [1] However, there were bomb attacks in bus stations and other crowded areas in Algiers, resulting in one death and several serious injuries. [5a]

**4.19** From April 2001 riots and civil unrest occurred in the Kabylie region and beyond following the death of a young man in police custody near Tizi Ouzou during the annual “Berber Spring” demonstrations. [1] See Section 6B Ethnic Groups There were also riots in other parts of the country in protest at poor social infrastructure and unemployment. [5a] [7k] [26b] [37a] In November 2001 serious floods affected Algiers killing more than 800 people. [1]

**4.20** On 31 May 2002 elections were held for the lower legislative chamber. [1] [5c] [7i] [37b] See Section 5 Political System The FLN party, the former single party prior to 1989, won majority control. [1] [5c] [7i] [37b] The official turnout figure was 46%. [37b] See also Annex B Political Organisations

**4.21** The election was described in reports as marred by violence, notably in Kabylia. [1] [7i] [37b] The two main Berber parties boycotted the election - the Front des Forces Socialistes (FFS) (Front of Socialist Forces), and the Rassemblement pour la Culture et la Démocratie (RCD) (Rally for Culture and Democracy). [7i] [37b]

**4.22** On 10 October 2002 the FLN party also won the majority in municipal elections for the appointment of mayors and other local elected officials. [1] [5c] [7o] The election was widely boycotted in the Kabylie area where the turn out was less than 5%. The FFS took part on this occasion. [7o]

**4.23** Press reports claimed that the death toll of 56 people in the month of Ramadan ending 5 December 2002 was the least deadly since 1993. [58a] Most deaths occurred in the Chlef province where three armed groups were operating. [63a] See Section 6A Armed Groups

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## **Events Of 2003**

**4.24** In May Ahmed Ouyahia the former Personal Representative of the President was appointed Prime Minister in place of Ali Benflis. [1]

**4.25** As reported in Regional Surveys of the World Middle East and North Africa 2004 50<sup>th</sup> edition, “[Meanwhile,] in mid-May 2003 an earthquake killed over 2200 people and injured almost 10,000 others. causing widespread damage in parts of Algiers and in numerous coastal towns as far as 100 km from the capital.” [1] (p177)

**4.26** Regional Surveys of the World Middle East and North Africa 2004 reported that “On 2 Algeria April 2004

July 2003 the two leaders of the proscribed FIS, Abassi Madani and Ali Belhadj, were released after completing their 12-year sentences for aggression and conspiracy against the state.” [1] (p177) See Annex B [Political Organisations FIS](#)

**4.27** In August a number of tourists who had been kidnapped by armed insurgents in the Sahara desert were freed. [7r] (p15432) See Section 6A Human Rights Issues Armed Groups

**4.28** The Africa Research Bulletin monthly summary reported in September 2003 that within the FLN party, there was rivalry between President Bouteflika and Ali Benflis the former Prime Minister as each sought control of the FLN. The same source reported that the tension between the two was revealed with the dismissal, without consultation, of seven government ministers, six of whom were FLN members. [7s] (p15445)

**4.29** In October the Africa Research Bulletin reported that the FLN had pulled out of the government in a dispute over the next presidential election. A FLN Congress that was to announce the candidature of Ali Benflis for President was banned by the government. A new cabinet was announced. [7t] (p15488) In December the same source reported that “The power struggle intensifies as presidential contenders emerge.” and that “An Algerian court has frozen the activities of the country’s main political party in what appears to be an intensifying power struggle.” [7v] (p15562)

**4.30** The level of violence blamed on armed Islamic groups declined sharply in 2003 according to Algerian official statistics and the Algerian press. [59f] About 900 people were reportedly killed in the year, including 420 Islamic extremists. [5a] [59f] The United States Department of State Report on Human Rights Practices for 2003 (USSD) reported that “Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year, a 61 percent decrease in violent deaths from 2002. Official government statistics indicated that fewer than 900 persons were killed.” [6c] (p2)

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## **Events Of 2004 And Presidential Election**

**4.31** Talks between the government and Berber leaders in late 2003 and early 2004 proved inconclusive. They reportedly foundered over the issue of making the Berber language, Tamazight, an official language. [60d] The Berber leaders indicated that they might boycott the forthcoming presidential election in the Kabylie region. [8/2] However, it was subsequently reported that all the candidates made campaign visits to Kabylia. [59k] See Section 6B Events in Kabylia 2001 - 2004 Seventy-four people were killed in the first two months of the year in terrorist incidents. [5a]

**4.32** In March 2004 it was announced that 18,085,000 voters were estimated as eligible to vote in the forthcoming Presidential election [68e] and that the election would be held on 8 April 2004. [5a] [76a]

**4.33** Out of nine applicants who lodged files with the Constitutional Council [7x] (p15635) six candidates were approved. [76a] They were Abdelaziz Bouteflika, incumbent president; Ali Benflis, leader of the National Liberation Front, former single party; Saad Abdallah Djaballah, leader of National Reform Movement (MRN); Said Sadi, leader of the Rally for Culture and Democracy (RCD); Louisa Hanoune, leader of the Workers' Party; and Ali Faouzi Rabaine, leader of Ahd 54 party. [76a] The three who were rejected as ineligible were Ahmed Taleb Ibrahim, Sid Ahmed Ghazali and Moussa Touati. [76a]

**4.34** The head of the Algerian army, General Lamari, stated the army would be neutral in the forthcoming presidential election, but also that the army would deal with any threat to political stability. [7w] (p15587) A number of measures were announced to promote the transparency of the poll: more than 120 foreign observers from international organisations including the European Parliament, Arab League, African Union, and the Organisation for Security and Cooperation in Europe were invited to be present; [59j] representatives of candidates were appointed who could challenge poll irregularities; [67k] the previous system of separate military voting stations was abolished. [59g] It was also announced that foreign journalists would be able to cover the election freely. [67h] [75a]

**4.35** The result of the election was a landslide victory for the incumbent President, Abdelaziz Bouteflika, with 84.9% of the votes cast. [59m] The other main challenger, Ali Benflis, received 6.42% of the vote. [59m] Although Mr Benflis and other candidates alleged irregularities in the poll, international observers endorsed its conduct. [60f] [60g] Voting turnout was announced as 58.07%. [59m]

**4.36** The voting results were:

Incumbent President Abdelaziz Bouteflika - 8,651,743 (84.9%)

Ali Benflis - 653,952 (6.42%)

Saad Abdallah Djaballah - 511,526 (5.02%)

Said Sadi - (1.94%)

Louisa Hanoune - (1%)

Ali Fawzi Rebain (0.63%)

[59m]

For further information on history refer to Annex A Chronology and source 1 - Regional Surveys of the World: The Middle East and North Africa 2004 50th Edition Europa Publications

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## 5. State Structures

### The Constitution

**5.1** A new constitution, approved by a popular referendum, was promulgated on 22 November 1976 and has been amended since. [1] [45] Under the Constitution all discrimination on grounds of sex, race or belief is forbidden. Law cannot operate retrospectively, and freedoms of conscience and opinion, intellectual, artistic and scientific creation, and of expression and assembly are guaranteed. [1] [24a]

**5.2** Citizenship is governed by the Nationality Code of 15 December 1970. [44] [48] People born abroad can become Algerian citizens after seven years residence in Algeria. [13]

**5.3 State of Emergency** A state of emergency was declared on 9 February 1992 and is still in place. [1] [11] [12] [24a] The state of emergency was renewed indefinitely in February 1993. [1] (p165) This declaration, and subsequent decrees, allowed restrictions on freedom of movement and the power to take restrictive actions against persons or organisations deemed to endanger public order and security, the normal functioning of an institution, or the supreme interests of the country. [24a] Many of the elements of the 1992 emergency legislation, were incorporated into the Criminal Procedure Code and Penal Code when

they were revised in 1995 [26c] including the provisions of the anti-terrorism decree in the Algerian Code of Criminal Procedure. [12] (p40)

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## **Political System**

**5.4** According to the constitution, Algeria is a democratic people's republic, which uses a presidential model. [1] [45] The President is the head of state and head of the armed forces and is elected by universal suffrage for a five-year term. [1] [6c] [23b] The President is responsible for appointing a Prime Minister and cabinet members. [1] [6c]

**5.5** The Parliament has two chambers. The elected lower chamber – the Assemblée Populaire Nationale (APN) / al-Majlis al-Sha'abi al-Watani / National Popular Assembly - has 389 members, elected for a five-year term in multi-seat constituencies by proportional representation. [37b] [66b] There is universal suffrage. [66b] The upper chamber is the National Council/Senate/majlis el ouma, where two thirds of the representatives are elected by municipal and provincial councils, while the remaining third are appointed by the President. [1] [45] The country is divided into forty-eight electoral sections or wilayats, which are further subdivided into dairas and communes. [45] Laws must be approved by the majority of the lower house and three quarters of the Senate. [1] [45]

**5.6 Political Parties** Algeria is a multi-party state, but parties must obtain approval to exist from the Ministry of the Interior. [1] [6c] (p10) Under the constitution the State guarantees the right to form political associations on condition they are not based on differences in religion, language, race, gender or region. [1] To obtain approval a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. [6c]

**5.7** Until 1989 the FLN was the only legal party. [1] The constitution was then amended to allow the formation of political associations, subject to some restrictions. [1] A law of February 1997 redefined the principles and objectives of political parties. The most important of these was that parties were not to identify themselves specifically with the causes of Islam, Arab or Amazigh (Berber). Criteria for the setting up of political parties were also redefined. [1] [66b] Thirty political parties were dissolved on 19 May 1998 for failing to abide by the new rules on political parties. [1]

**5.8** A report by Forced Migration Online (FMO) in January 2004 also stated that “Political parties represent three main tendencies: pro-regime parties, such as the FLN or the RND; Berber parties, the FFS and the RCD, both of which are rooted in Kabylia; and Islamist parties (though the FIS remains illegal, several have received approval, including MSP and the recently successful MRN).” [53] (p6)

**5.9** A country report of January 2003 set out more details of political tendencies. [12] The nationalist establishment is represented in two large parties, the Front de Libération Nationale (FLN) and the Rassemblement National Démocratique and three smaller parties, the Front National Algérien (FNA), the Parti de Renouveau Algérien (PRA) and the Mouvement de l'Entente Nationale (MEN). [12]

**5.10** The “Islamic” mainstream which advocates a society based on the Islamic law (shari'a) includes three parties, the Mouvement de la Société pour la Paix (MSP), the Mouvement de Réforme Nationale (MRN) and the Ennadha party. [12]

**5.11** The alternative to the establishment and Islamist parties is represented by the Parti des Travailleurs (PT), and two mainly Berber parties - the Front des Forces Socialistes (FFS) and the Rassemblement pour la Culture et la Démocratie (RCD). [12]

**5.12** The Front Islamique du Salut Islamic Salvation Front) (FIS) is banned. [1] [2] [12] In November 2001 the Wafa party was refused legal status by the Interior Minister on the grounds that it was a reconstitution of the dissolved FIS. [1] [7]

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**5.13 Elections** The President is elected by a popular vote for a five-year term. The last Presidential election was held on 15 April 1999. Abdelaziz Bouteflika was elected with over 70% of the vote (the six opposition candidates withdrew on the eve of the elections, alleging fraud). On 8 April 2004 Mr Bouteflika was again returned to power. [59m]

**5.14** Legislative elections were held on 30 May 2002. The two main Berber parties – the Front des Forces Socialistes (FFS) and the Rassemblement pour la Culture et la Démocratie (RCD) - boycotted the poll and prevented voting in two provinces. The average turnout was 46%. The former ruling party, the Front de Liberation Nationale (FLN) doubled its vote and won a majority (199) of the 388 seats. The three legal Islamist parties won 82 seats (down from 123). The former largest party, the Rassemblement National Democratique (RND), saw its representation fall to 48 seats (from 156). Prime Minister Benflis was reappointed but, following an increasingly acrimonious power struggle with the President, was subsequently replaced on 5 May 2003 with Ahmed Ouyahia from the RND. Since then, Benflis has used his position in the FLN to challenge Bouteflika openly for the Presidency. [5c]

**5.15** Municipal elections were held on 10 October 2002. The FLN won control of most municipalities, with around 34.6% of the vote. The RND was the second largest party with 17.5%, and the two main Islamic parties polled 22.7% between them. The FFS (the only Kabylie-based party to stand) got 2.7% overall. Official turnout was 50.11%. [5c]

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## Judiciary

**5.16 Structure** The legal system is based on French and Islamic law. Criminal law is based on the French model, and family and inheritance laws in particular are strongly influenced by Islamic principles. [23b] [66b] Algeria has not accepted International Court of Justice jurisdiction. [66b] An independent judiciary is provided for in the constitution, which also states that trials are public and defendants have the right to legal representation. [1] [23b]

**5.17** The judicial system consists of the highest court of justice – the Supreme Court in Algiers; tribunal courts or *daira* are composed of a single judge and hear civil and commercial litigation and some criminal matters; provincial courts or *wilaya* consist of panels of three judges and hear criminal, administrative, and accusation cases and appeals from the tribunal courts. [1] [23b] [45] [66b] From February 1993 to February 1995 three special courts existed to try suspects accused of offences against state security. They have now been abolished. [1] [23b] [24a] [36a]

**5.18** Algeria has a code for personal status cases implemented by the courts of general jurisdiction, there are no separate shari'a courts. [23b] Military courts can try civilians, but only for crimes committed in a military zone or in association with members of the armed

forces. [23b] Academically trained judges well versed in the law judge in the area of family law. [13] Judges must complete a year of training at the National Judicial Training Institute. [23b]

**5.19** As reported in The Middle East and North Africa 50<sup>th</sup> edition “Following the publication in July [2000], of a government backed report on the judiciary, which urged action against corruption and interference in the system the President appointed 311 new judges and prosecutors. New measures were introduced to enforce the rule of law in all public institutions, and the Ministry of Justice was allocated new funds to improve conditions inside the country’s prisons.” [1] (p171)

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**5.20 Country and Human Rights Reports** A country report by the Swedish authorities dated March 2003 also reported that “There are military courts in every wilaya. There is one, for example, in Blida for the wilaya of Algiers. The judges are members of the armed forces but the suspect is entitled to a civilian lawyer.” [13] (p6) Freedom House Report 2003 stated that “Civilians arrested for security-related offenses are often tried in military courts, where due process rights are frequently ignored. Some lawyers refuse to represent individuals accused of security offenses, particularly Islamists, out of fear of retribution from the security forces.” [29] (p2) However, the USSD for 2003 stated that “Regular criminal courts try those persons accused of security-related offenses.” [6c] (p6)

**5.21** A country report by the Canadian authorities in 2001 reported “There is a properly functioning judicial system in Algeria, which is patterned on the French model. There are published penal and civil codes and professionally trained lawyers and judges. However, in practice, it is far from perfect.” [11] (p 22) The Canadian report also noted that “For the present and notwithstanding all of the weaknesses in the judicial system, the Algerian public still seems to perceive the courts as a forum where a degree of justice can be obtained, at least for relatively routine legal matters.” [11] (p 22)

**5.22** A country report by the Netherlands authorities dated January 2003 noted that “The Algerian constitution guarantees a fair judicial process. However, doubts can be cast on the independence of the judiciary. For instance, the minister of Justice appoints judges. As a result of this limited independence of judges, there is sometimes a lack of transparency in the cases, and the sentencing is based on poor furnishing of proof, especially in those lawsuits against individuals who are suspected of involvement in armed Islamist movements.” [12] (p 39)

**5.23** A country report by the Swedish authorities dated March 2003 also noted “The judicial system does not have an independent role and corruption is widespread. However, the solicitors’ union is independent in relation to the authorities. Entitlement to the assistance of a solicitor exists for all types of offence. There is no financial support but certain legal advice may be free of charge.” [13] (p6)

**5.24** Amnesty International (AI) reported in September 2003:

“The Algerian authorities announced legislative changes in June 2001 as an important step in bringing domestic law into line with international standards, pointing to textual changes to strengthen the presumption of innocence; increase the control of law enforcement agents by the judiciary; bolster the rights of detainees held in the custody of the security forces; limit the recourse to pre-trial detention; and establish the right of an individual wrongfully held in pre-trial detention to compensation. The

authorities have stressed that more reform projects are currently at the planning stage. The Algerian authorities announced legislative changes in June 2001 as an important step in bringing domestic law into line with international standards. The authorities pointed to textual changes to strengthen the presumption of innocence; increase the control of law enforcement agents by the judiciary; bolster the rights of detainees held in the custody of the security forces; limit the recourse to pre-trial detention; and establish the right of an individual wrongfully held in pre-trial detention to compensation.” [26c] (p5)

AI also stated in September 2003:

“[However,] Amnesty International’s assessment to date is that many of the new safeguards had yet to be translated into practice. While the amendments should strengthen the rights of detainees held in the custody of the security forces, they have not impacted on the ongoing problems of secret detention and torture.” [26c] (p5)

**5.25** Freedom House noted in its 2003 report that “The judiciary in Algeria is not independent. Since judges are appointed to ten-year terms by the Ministry of Justice and can be removed at will, in practice the judiciary is squarely dependent on the executive branch.” [29] (p3)

**5.26** The USSD for 2003 noted that “Although the Constitution provides for an independent judiciary, it continued to be restricted by executive influence and internal inefficiencies.” [6c] (p1) It also stated that “According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities did not always respect all legal provisions regarding defendants’ rights, and continued to deny due process.” [6c] (p7)

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## **Legal Rights/Detention**

**5.27 Detention provisions** A country report by the Netherlands authorities in January 2003 stated that everyone detained had the legal right to contact family or friends immediately. The maximum period of remand in custody (*garde à vue*) from detention to appearance before a judge or access to a solicitor is 48 hours. [12] For persons detained for offences perpetrated against state security this duration can be doubled. [12] In cases of suspicion of terrorist or subversive operations the duration of remand in custody can be extended to a maximum of twelve days after obtaining written consent from the public prosecutor. [12]

**5.28 Pre-trial Detention** Changes to the Criminal Procedure Code in June 2001 significantly extended the legally permitted period of pre-trial detention. Previously, anyone accused of a crime, whatever its nature, could be held for no longer than sixteen months while their case was being investigated by the examining magistrate. [26c] Now, those accused of crimes punishable by sentences of at least twenty years’ imprisonment can be held for twenty months while their case is investigated by the examining magistrate. [26c] Also, those accused of “crimes considered to be terrorist or subversive acts” can be held for up to thirty-six months; and those accused of a “transnational crime” can be held for up to sixty months. [26c]

**5.29** A country report of January 2003 by the Netherlands authorities noted that “In addition to remand in custody (*garde à vue*) the Algerian legal system also contains the

contrôle judiciaire since 1996 whereby the accused is released but has to report to the authorities at set times.” [12] (p48)

**5.30 Human Rights Reports** The USSD for 2003 stated that “Despite judicial reforms, prolonged pre-trial detention and lengthy trial delays were problems.” [6c] (p1) AI observed in September 2003 that legal safeguards to protect detainees have often not been respected. [26c] (p5,7) They also stated that “The authorities’ almost routine failure to respect domestic legislation protecting detainees’ rights contributes directly to the persistence of the problem of secret and unacknowledged detention.” [26c] (p9) The same report stated that “It is when an individual is held on suspicion of crimes categorized as “acts of terrorism or subversion” that their detention outside the protection of the law becomes a particularly serious matter. With the legal limit of garde à vue set at 12 days, the detainee’s physical security is put in grave danger, as the results of Amnesty International’s research show.” [26c] (p9) See also Section 6 Human Rights Missing People

**5.31 Double Jeopardy** Those who are suspected of having committed crimes abroad punishable under Algerian law run the risk of prosecution. Those who are convicted abroad for crimes committed there and who have completed their punishment for such crimes need not fear a new sentence on their return to Algeria. [10]

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**5.32 In absentia convictions** Persons convicted in absentia by Algerian courts have a right of appeal to a higher court. [5e] The person addressed or the lawyer receive the court's decision judgement in writing. This applies to all offences including actions by armed rebel groups. [13] The appeal must be lodged within one month from the date of the conviction decision. [5e] A country report by the Swedish authorities in 2003 noted that “If one is sentenced in one’s absence in a criminal case following several summonses, an appeal may be lodged within a certain period and a new trial set. The person addressed or the lawyer receive the court’s decision, judgement, in writing as a copy. This applies to all offences, including terrorism.” [13] (p8)

**5.33 Death penalty** Algeria adopted a Penal Code in 1966, retaining the death penalty. [1] Algerian criminal law includes the death penalty for crimes against the lives of third parties, crimes against state security and economic sabotage. [12] Military criminal law also has the death penalty, although it is not enforced. [13] The Anti-Terrorism Law of 1992 has also made it possible to impose the death sentence for subversive or terrorist activities for which the Algeria criminal code previously only had the maximum of life imprisonment. [12]

**5.34** It has often happened that the death penalty is imposed on armed Islamic fundamentalists. [12] According to news reports, in March 2003 an armed group leader, Mohamed Ferfar, was awarded two death sentences by courts in Annaba. [73c] [73d] In June 2003 five armed group members were also sentenced to death in absentia. [73e] [64b] In November 2003 the tribunal at Skikda reportedly passed a death sentence in absentia on one man for setting up a terrorist group, aggravated theft, aggression and illegal possession of weapons. The same ordinary court session was reportedly due to hold hearings for 164 people, including twenty-seven cases of terrorism. Of these twenty-seven, eight were still at large. [73f] In December 2003 seven people were sentenced to death in absentia in a case connected with supporting armed groups. [67f] The armed group leader, Hassan Hattab, was sentenced to death in absentia by a court in Tizi Ouzou in March 2004. [67j]



**5.35 Moratorium** However, since December 1993 a moratorium has been enforced on the death penalty. [12] (p45) [13] (p17) After the pronouncement of the death penalty, this punishment is not enforced and is usually commuted on appeal to a life sentence. [12] [13] The last execution occurred in November 1993. [12] In October 2001 115 death sentences were commuted to life imprisonment. [12]

**5.36 National Criminal Database** It was announced in February 2002 that a computerised national criminal records database would be set up. [67g] This would enable anyone to obtain a copy of their criminal records from any court in any province instead of having to return to their birthplace. [67g]

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## **Internal Security Organisation**

**5.37** The government's security apparatus is composed of the armed forces (army 120,000 including 75,000 conscripts, air force 10,000 and navy 6700) (August 2002 figures); and paramilitary forces of 181,200 – including an estimated 100,000 self-defence militia and communal guards and a gendarmerie of 60,000. [1] [67i]

**5.38** USSD for 2003 stated that “While the Government generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses.” [6c] (p1) See also Section 6 Human Rights Security Forces and Section 6 Human Rights Ethnic Groups Kabylia

**5.39** Responsibility for maintaining law and order is shared by a number of organisations, primarily the Gendarmerie Nationale and the Surête Nationale. [14b]

**5.40 Police Forces** The Gendarmerie Nationale is responsible for maintaining law and order in villages, towns and rural areas; providing security surveillance over local inhabitants; and representing government authority in remote areas. [14c] It has about 60,000 members and is organised into battalions, whose companies and platoons are dispersed to individual communities and outposts. [1] [12] [14c]

**5.41** The Directeur-Generale Surête Nationale (DGSN) is the national police headquarters organisation. [12] The DGSN reports to the Ministry of Interior and has about 20,000 members. [12] It maintains law and order in urban areas and performs other routine police functions, including traffic control. [14d] Some ten different subdivisions are responsible to the DGSN. [13] Elements of the DGSN also play a part in counter subversion, and work with customs inspectors at legal points of entry to control illegal activities of undesirable immigrants and contraband traffickers. [14d] The DGSN also includes the riot police who are known as Compagnies Nationales de Securite (CNS) and the criminal investigation department of Police Judicaire (PJ). [12]

**5.42 Local Police** Le Corps de Garde Communale (or Les Gardes Communaux [13]), linked to the municipalities, has about 100,000 members. [12] It provides standard policing on a local level and where necessary supports the security forces in the fight against armed groups. [28] The local police have more restricted powers than the other police groups. [13] (p7)

**5.43 Local Militias** In addition to the local police various local defence militias of volunteer

civilians were set up in the 1990s to protect their neighbourhood against attacks by armed factions. [12] The security forces equip these militias with arms including pistols and rifles. [13] The groups operate within a legal framework and their operations are administered by the gendarmerie. [13] Estimates of the total number of armed militia group members range from 300,000 [26c] up to 800,000. [67i] See Section 6 Human Rights Local Militia

**5.44 Special Intervention Units (Groupes d'Intervention Spéciaux, GIP)** number about 20,000 and comprise selected men from the army, Gendarmerie and DGSN. They carry out security related surveillance and control operations and raids against armed groups. Special gendarmerie task forces are sometimes called “Ninjas”. [8e] [12] [24a] In addition there is also the republican guard which has 1200 members. [12]

**5.45 Intelligence units** These operate under the Ministry of Defence but have extensive scope when exercising their duties as follows:

**5.46** The Department of Intelligence and Security (Département de renseignement et de la sécurité – DRS), formerly known as Military Security (Sécurité Militaire – SM) is the principal agency for domestic and foreign intelligence activities. DRS operates under the Ministry of Interior but comprises military personnel commanded by an army general who report to the Minister of Defence. [14a] [14b] This group is headed by Major-General Tawfik Medienne [1] (p170) and is alleged to be responsible for torture cases. [26c] (p15) See also Prisons below and Section 6 Security Forces Torture and Violence

**5.47** The Department of Internal Security (Direction de la sécurité intérieure – DSI), and the Department of Documentation and External Security (Direction de documentation et de sécurité – DDSE) operate in support of the DRS. [14a] [14b] [14f]

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## **Prisons**

**5.48** In 2003 prison conditions were reportedly spartan but generally met international standards. [6c] (p5) [12] A country report by the Netherlands authorities dated January 2003 stated that Algeria had about 35,000 prisoners held in 123 penitentiary establishments under the Ministry of Justice. [12] The prisons in Algiers were Serkadj, Prison d'El Harrach and Berouagghia. The prison in Batna was Tazoult. [13] Problems reportedly arose from overcrowding [13] [26b] rather than neglect. [6c] (p4) In 2002 there were riots in several prisons, in protest against the prison conditions. These riots included several episodes of arson by prisoners and led to about fifty deaths and forty casualties. [12] [26b] [27a]

**5.49** The Government has reportedly continued to improve prison conditions [6c] (p5) and undertaken to reform the prison system. [6c] (p6) A minister in charge of prison reform was appointed in June 2002. [12] (p40) In December 2003 Algeria accepted the recommendations of a UNDP programme at a conference in Algiers on measures to improve prison conditions and to help prisoners integrate into society upon release. [68d]

**5.50 Political Prisoners** USSD stated that in 2002 “An unknown number of persons who could be considered political prisoners were serving prison sentences because of their sympathies with Islamist groups and membership in the FIS. International human rights groups did not request visits with political prisoners this year; therefore it was unclear whether the Government would permit such organizations to visit political prisoners.” [6c] (p7) The Middle East and North Africa Survey reported that in 1997 there were 17,000

alleged terrorists imprisoned without trial [1] (p167) Five thousand such prisoners were released in 1997 after President Bouteflika came to power. [1] (p169) Political prisoners and perpetrators of common offences are reportedly kept separate during their remand in custody. [12] (p40)

**5.51 Independent monitoring of prisons** According to the USSD in 2003 “In general, the Government does not permit independent monitoring of prisons or detention centers outside of programmed visits by the International Committee of the Red Cross (ICRC). Limited monitoring consisted of pre-selected detainees, chosen by the Government, being granted access to and meeting with various international human rights groups. ICRC estimates it has visited one third of the country’s prison population. The ICRC did not visit FIS leaders or other political leaders in prison or under house arrest.” [6c] (p5)

**5.52** The ICRC reported an ongoing programme of visits to different places of detention, including, since 2002, people remanded in custody in police stations and gendarmeries [33] AI reported that ICRC delegates have had access to more than 50 per cent of prisons and met some one-third of Algeria’s prison population. [26c] However, Human Rights Watch (HRW) and AI commented that visits to detainees held in facilities run by the military - where the most severe abuses were thought to take place - remained off-limits. [26c] [27a]

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## **Military Service**

### **Background**

**5.53** Male Algerians are liable for eighteen months conscripted national service between the ages of 19 and 30. The service generally starts in the year they become nineteen. [12] They can receive the draft from their seventeenth or eighteenth birthdays. [12] There is a liability for another six months service as a reservist up to age 50. [12] [36a] [46] The legal basis is the National Service Code NSC). [43] Women are not allowed to do military service. [12] [36a] If an Algerian with dual nationality completes his military service elsewhere he will not be called up in Algeria. [12]

**5.54** It appears that many young men have not done their national service, especially in the mid 1990s when there was strong resistance to it and very few young Algerians were willing to do their national service. [36a] Also, some young Algerians were inclined to leave the country. [8n] In 1994 a French newspaper stated that conscripts made up half the numbers of the army and were on the front lines in the fight against the armed Islamic groups. [8n]

**5.55** The trend now is toward easing the demands of military service. If the security situation in the country continues to improve, this tendency will likely be maintained, because of public pressure and because the authorities appear to be increasingly so inclined. [11] The possibility of setting up a regular army without conscription is being considered. [12]

**5.56** Only some of the male population actually joins the army, since it is not logistically possible to accept every conscript. The army appears to be interested mainly in more highly educated men. [12] With 40% of eligible conscripts given dispensations outright and everyone (with a few exceptions) born in 1978 or earlier eligible to apply for a dispensation, the reach of national service has already shrunk considerably. [11] See also Exemptions of 1999-2000

## **Conscientious Objection**

**5.57** There is no provision for conscientious objection in the NSC. [11] [43] [46] Algeria now has no substitute for military service although in 1997 a national service was introduced for those with medical training. [12]

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## **Registration**

**5.58** Articles 43 to 62 of the NSC deal with the various procedures governing national service recruiting. [43] [46] Before each registration period, there is a media and poster campaign, calling on the young men concerned to register with the local authority for national service. They must register by a given date with the people's community assemblies in the communities where they live. [8n] [11] [12] Algerian embassies and consulates carry out the procedure for young Algerian men living abroad. [12]

**5.59** The NSC stipulates that the chairperson of the people's community assembly shall, between 1 January and 1 March, tabulate the names of all those who register. The wali then sends a copy of the tables to the recruitment office. [8n]

**5.60** Each registrant is placed in a category. This includes, among other things, whether he is a son who is the sole support of [translation] "an ascendant or a young or disabled collateral relative"; a son or brother of a chahid (a man killed during the war of independence); a son or brother of a soldier; a married man with a child, the holder of a pre-military diploma cum laude or summa cum laude; or a bachelor who is a secondary support of a family of five young children. [8i] [8n] See Exemptions and Deferments below.

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## **Selection**

**5.61** Those registered are summoned to selection and orientation centres. Articles 64-69 of the NSC include provisions dealing with severely handicapped people, who are exempted from going in person to a selection and orientation centre. At the selection and orientation centre, those registered are given a medical check-up and are classified as fit, temporarily unfit or permanently unfit for national service. Article 76 states that candidates suffering from grave and irreversible physical or psychological conditions are considered to be permanently unfit for service. Those classified as permanently unfit are released from their military obligations. [8n] [11] [12]

**5.62** Conscription orders are sent by the recruitment offices to the people's community assemblies, who must forward them to the individuals concerned at least two weeks before the scheduled enlistment, with a request for an acknowledgement of receipt. This is done by mail. If a person is not at home, the conscription order is delivered to his immediate relatives or to the chairperson of the people's community assembly. [8n] [11]

**5.63** If he fails to present himself after the first call-up letter, the person is sent two reminders (not clear within what period of time). If he still does not respond, his file is passed to a military tribunal, which will usually issue a 'notice of search' ("avis de recherche"). This remains outstanding until such time as the person comes forward to appear for a hearing before a military tribunal. Once an "avis de recherche" has been issued, a person cannot legally leave Algeria. [8ar] He cannot obtain a passport, extend his old one and cannot obtain any official document from the Algerian authorities. [12] See Employment and Travel below

**5.64** Each call-up notice has a code referring to a general computer file at the recruitment office of the army. Algerian diplomatic missions can authenticate the code and provide information on the validity of the document. It has been stated that there are many false call-up notices currently in circulation and it is very difficult to distinguish valid documents from fraudulent ones. Only the authentication of the code on the call-up notices can validate or not a call-up notice for military service. [8k] [8m] [8n] [8s] [11] [12] See also Military Service Documents below

**5.65** The uniform worn by conscripts is the same as members of the regular military forces. [8aw] The army service uniform is of an olive drab shade. [14e] Airborne troops wear camouflage material with distinctive boots. [14e] Air force uniforms are blue and navy uniforms are dark blue. [14e] All services have winter, summer and dress uniforms. [14e] Insignia of rank are worn on shoulder straps by both officers and enlisted men of all services. [14e] Rank designations are similar to those of the French military. [14e] The army ranks range from Arif (Private 1st Class) to Liwa (Major General). [49] The rank of Aspirant is given only to those called to undertake military service, and reservists. It is the lowest rank in the hierarchy of subaltern officers. [18]

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### **The Reserve**

**5.66** Order 76-111 of 9 December 1976 defines the reserve as being “constituted of all citizens who have finished their active service and are subject to military obligations”. Thus, the reserve includes “retired regular and contractual soldiers who were released from the army at their request, as well as all those who have fulfilled their national service obligations”. Article 27 excludes certain categories of people: “individuals convicted of criminal offences, and individuals convicted of endangering state security or encouraging desertion or absence without leave”. [36a] [46]

**5.67** According to order 76-110 of 9 December 1976, the military obligations of Algerian citizens last 27 years and consist of four stages:

1. National service (two years) (18 months military service and a further 6 months availability as reservists);
2. Availability (immediate recall) (five years);
3. First reserve (ten years), and
4. Second reserve (ten years).

[36a] [46]

### **Reserve Recalls**

**5.68 1995:** Decree 95-146 ordered a call-up of reservists on 27 May 1995. It was the first time since the war of independence ended in 1962 that reservists were being called upon to take part in resolving the country’s internal problems. Under this decree, the classes of 1988, 1989, 1990 and 1991 were recalled to serve for a one-year period. It was stated that the Government planned to recall up to 15,000 reservists to maintain security during the 1995 presidential elections. The decree had no provision for keeping the reservists in service beyond the one-year period. [8n] [8a] [11]

**5.69** According to two contemporary press reports, reservists had previously been recalled on two occasions prior to 1995, neither of them within the country. One was during the Israeli-Arab war of 1973, and the other was in 1975 when neighbouring Morocco was fighting guerillas seeking independence for the Western Sahara. [9]

**5.70 1996:** The government issued decree No. 96-311, which stated that “reservists recalled [under the 27 May 1995 decree] can be maintained in active service beyond the recall period”. In addition to maintaining these reservists in active service in 1996, the government also reportedly recalled another 10,000 reservists who had done their national service four to eight years earlier. [8n]

**5.71 1997:** In an interview on 14 October 1997 the military attaché of the Algerian Embassy in Washington stated that the Algerian army did not recall reservists in January 1997. [8d] It is possible that in the autumn of 1997 the government recalled a number of reservists in order to maintain security during the October 1997 municipal elections. However, this procedure has also been described as an important conscription process [8k] while another source stated that in the fall [autumn] of 1997 the government extended the term of reservists in active service. [8n]

**5.72** However, in another interview in January 2000 an Algerian consular official in Ottawa again stated that to his knowledge there had been no recall of reservists in 1997. [8w] A chronology of events concerning military service published by the Algerian newspaper El Watan on 12 February 2000 did not mention any recall of reservists in 1997. [8w]

**5.73 1998:** Decree No. 98-233 of 18 July 1998 announced that another recall of reservists would start on 20 September 1998. This decree affected the following classes: 1992/4, 1993/1, 2, 3 and 4, and 1994/1, 2 and 3. The recall was for one year, but the 1998 decree, unlike the 1995 one, contained a provision allowing for extensions. [8n]

**5.74 Post-1998** There have been no further reserve recalls since 1998. [8a] [8ai] [19]

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### **Postponed Enlistment**

**5.75** Article 90 of the NSC states that there are two categories of people who are eligible for a postponed enlistment. Those who have a brother who is a volunteer soldier or a conscript in the national service and has not yet finished his term of service; and those who present a “socially significant” reason. The postponement ends when the circumstances justifying it cease to exist. [8n]

### **Deferments**

See also Exemption and Amnesties below.

**5.76** According to the NSC, citizens who wish to continue their studies in Algeria or abroad may apply to the selection and orientation centre for a deferment. The application will then be forwarded to the recruitment office, which will decide whether to grant the deferment. The deferment may be renewed until the student reaches the age of 27. The recruitment office must receive the application for renewal by 1 July of each year. Article 100 states furthermore that the deferment will be cancelled if the applicant does not present, immediately after the start of the academic session, proof that he is pursuing his studies. [8i] [8n]

**5.77** Under measures published from June 1999 to allow students and others who had not done their national service to regularise their status, students can apply for exemption when they have completed their studies. [8a] [8i] [8o] [8aq] [8ar] See Exemptions below.

### **Exemptions and Amnesties**

**5.78** Some people can obtain an exemption from their national service obligation. The

regional commissions grant such exemptions. The military authorities and diplomatic missions abroad issue exemption cards to students and others exempted from military service. [8n] It is possible to buy these cards in Algeria for a fee. [8i] Article 93 of the NSC states that an exemption may be granted upon request to a citizen who provides evidence that he is the sole supporter of an “ascendant”; or of a collateral relative who is a minor or disabled; or is the son of a chahid (a man killed during the war of independence). [8i] [8n] [8p] [8aq]

**5.79** Deferments and exemptions may also be granted to students. [8i] [8o] See Deferments above

### **Exemption for Men Over Age 30 at 1 November 1989**

**5.80** Article 1 of law No. 89-20 of 12 December 1989 states that “citizens who were thirty years of age or older on 1 November 1989 are exempted from national service whatever their legal situation in respect of national service”. A representative of the Embassy of Algeria in Ottawa stated in 1993 that the amnesty proclaimed by this law was not permanent, and applied only to people who were 30 years of age or older in 1989. [8n]

**5.81** Law No. 89-20 of 12 December 1989 was reportedly adopted in order to avoid various logistical problems associated with the reduction in the length of national service; such a reduction was called for by law No. 89-19, promulgated the same day. In addition, the two laws were intended to signal the Government’s waning enthusiasm for national service and were also a response to pressure from Algerians who were chafing at the military’s interference in public affairs. [8n] [11]

**5.82** Presidential decree 89-226 of 12 December 1989 also dispensed from service all persons born before 1 January 1968 who had not been inducted into service by 15 January 1989, with the exception of persons of higher level education and students. [11]

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### **Exemptions/Regularisation Measures from 1999**

**5.83** Starting in 1999, measures were taken to regularise the situation of men who had not undertaken their conscription. [8o] [8s] [8u] [8w] [8z] [8aa] [8ad] [8ag] [8ah] [11] [12] The reasons given included the Algerian military authorities wish to relax the requirements for military service, the high cost of military training, overpopulated barracks, and the situation of young men who were unable to obtain official documents and thus obtain employment. [8u]

**5.84** By February 2001 25,000 registrations had been made from abroad . If everything is found in order the applicants finally receive a dispensation document (carte de dispense). If they are staying abroad they can apply to the consulate and fill out an application form. They can return to Algeria subsequently without a problem with a carte de dispense and a passport. [12]

**5.85** Two decrees were issued around June 1999, and a further decree on 13 September 1999 by which the Algerian military authorities could regularise the status of people aged 27 years or more at 31 December 1999. [8o] [8s] [8u] [11] [12] An earlier measure also applied to students born between 2 November 1959 and 31 December 1960. [8o]

**5.86 Extensions of the regularisation measures** An extension was reportedly announced in July 2000 to extend the scheme to men born between 1 January and 31 March 1973. [8w] [8ad] A further extension applied to people born before 31 December 1978.

[8af] [8ag] [11] [12] [19] During a telephone interview in December 2003 a consular charge d'affaires of the Algerian Embassy in Ottawa stated that he was not aware of any changes made to the regularisation programme since its implementation. [8ax] The latest information notified by instructions on the website of the Embassy of Algeria in London states that the arrangements now apply to those aged 27 years or more at 31 December 2003. [21]

**5.87** The published exemptions remain in force for people born before these dates and can still be applied for. [8au] [12] [19]

**5.88 Eligibility** The effect of the system was to allow for exemption from service for:

- Those who had deferments or who had been called to service (ordre d'appel)
- Those who had submitted applications for dispensation from service
- Those who had not yet been called to service or invited to undergo a medical examination in relation to service
- Those who had not responded to an invitation to undertake a medical examination
- Those against whom there was a charge of draft dodging (objet d'une plainte en insoumission) – but which presumably had not yet been adjudicated. [8ag] [11] [12]

**5.89** The following are not eligible for the measures:

- Those subject to a "wanted notice" (avis de recherche)
- Deserters (to 55 years) [8s] [8z] [8ae] [8ag] [8ah] [11] [12]
- Doctors [8s]

**5. 90 Procedures** The administrative procedures to be followed for Algerian citizens living abroad have been publicised and require the person to apply to the Embassy of the country where they are living and present a completed application form, a birth certificate, evidence of identity, two recent photographs and copy of an educational diploma or evidence of abandonment of studies. [8s] [8ad] [8ag] [8ar] [11] [21] The evidence of identity can be a passport, ID card or driving licence. [8ar] [17]

**5.91** Lists of those living abroad who have been granted exemption are published by the Embassy of the country concerned. [8u] [8ag] [11] [21] A French academic and commentator on Algerian affairs stated in 1999 that it would seem the regularisation measures are gradually being implemented: the Algerian press regularly publishes notices from the MDN (Algerian Ministry of Defence) ordering young people who have not done their national service to report for regularisation of their status. [8u]

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## **Employment and Travel**

**5.92** Article 8 of the NSC states that citizens whose national service status is not in order are ineligible for jobs in both the public and private sectors. [8n] [8ag] [11] [20]

**5.93** Algerians who want to obtain a passport or an identity card have to submit a document attesting that they have been registered for national service or granted a deferment or exemption. [8n] [8ag] [11] [20] Young Algerians who are liable for military service cannot leave the country before fulfilling their military obligations, although special permission may be granted to students and people in exceptional family circumstances. [8n] [8ag] [11] [12] However, an Algerian consular official stated in April 2002 that not having regularised one's position is not in itself an obstacle to renewing an Algerian passport. [8ar]



## Documents relating to Military Service

**5.94** The following documents are used:

Ordre de convocation (convening order)	A document that requires the young persons whose names are on the national service lists to appear at specified locations to undergo their medical examination. [8s]
Ordre d'appel (order of assignment)	A document for persons called into active service. It is written in French. The order is a white printed 21x27mm form. It bears the letterhead of the competent military authority and includes the following information. First name and family name of the person concerned, with the names of their parents, address, class, assignment unit, date, signature date on which the document was created, and, stamp of the authority that generated the document. It may be typed or completed by hand by the regional recruitment office. [8m] [8s] [8v]
Ordre de (mis en) route	A travel document that allows military personnel to have free transportation to the military barrack to which they have been posted. [8f] [8s]
Carte de dispense (exemption card)	Light green and has an identification photograph. [8s] [8af] It is written in Arabic and shows the name, first name and place of birth. It specifies the type of deferral. Everyone who has benefited from the latest regularisation measures receives an exemption card. [8af]
Deferral card (document de sursis)	Formerly yellow, the card is now the same colour as the exemption card, i.e. light green, and also includes a photograph of the holder. The deferment is renewable every year until the end of the person's studies. Once the studies are finished the person can ask for an exemption card. [8af] Sometimes the document is printed on standard paper rather than in the form of a card. [8at]
Discharge document (carte militaire or livre militaire)	Given to conscripts who have finished their service. This is not a card, but a military record comprising four to five pages. The cover is clear. It contains a photograph of the holder as well as information about their military situation, rank etc. The military notebook is written in Arabic. [8ab] [8ap]
Registration card (carte d'immatriculation)	Card issued by the Algerian authorities to

	persons who have registered for military service and can apply for exemption from military service under the exemption rules. [8ap]
Recall order (ordre de rappel)	A document that applies exclusively to reservists. [8s]

**5.95** Documents related to national service are national documents that are identical for all regions of the country. With the exception of the ordre d'appel (order of assignment), all documents have been written in Arabic since January 1999. [8s]

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### **Penalties for Draft Evasion and Desertion**

**5.96** The 1971 Military Penal Code sets out the scale of punishments below. Algeria has been in a declared state of emergency since 1992, therefore the wartime scales are liable to apply. [36a] No distinction is drawn between conscripts and professional soldiers. For officers the penalties are heavier. Draft evasion is defined at Article 16 Of the NSC – “ Any citizen called up to fulfil his national service obligations and who has been duly notified by a call up order is deemed to have evaded call up if, in the absence of a compelling reason, he has not presented himself at the place designated for his induction 30 days after the date given by the call up order mentioned above.” [46]

#### **DRAFT EVASION**

##### **Peacetime**

3 months-5 years

##### **Wartime**

2-10 years

#### **DESERTION**

The various penalties for desertion depend on whether the deserter fled within the country, went abroad, or deserted to the enemy, and whether the deserter was alone or in a group. Deserters still have to complete the remainder of their interrupted service period after serving their prison sentence. [12]

##### **Desertion within the country**

##### **Peacetime**

6 months- 5 years imprisonment

##### **Wartime**

2-10 years imprisonment

##### **Desertion in the country with others**

The penalties for desertion in the country are the same for officers and soldiers, but in addition officers may also be discharged.

##### **Peacetime**

1-10 years imprisonment (See Footnote)

##### **Wartime**

5-15 years imprisonment

##### **Desertion abroad**

##### **Peacetime**

##### **Soldiers**

2-10 years  
imprisonment

##### **Officers**

5-10 years  
imprisonment\*

##### **Wartime**

##### **Soldiers**

10-20 years  
imprisonment\*

##### **Officers**

20 years  
imprisonment\*

##### **Desertion abroad with others or with arms**

##### **Peacetime**

##### **Soldiers**

5-10 years  
imprisonment

##### **Officers**

10 years  
imprisonment\*

##### **Soldiers**

Life imprisonment\*

##### **Officers**

Life imprisonment\*

##### **Desertion as an armed group**

##### **Peacetime**

##### **Soldiers**

10-20 years

##### **Officers**

20 years

##### **Wartime**

##### **With Collusion**

Life imprisonment\*

##### **With arms**

Death penalty

imprisonment\*                      imprisonment\*

**Desertion to the enemy**

Death penalty

**Desertion in the presence of the enemy**

**Soldiers**

10-20 years imprisonment\*

**Officers**

life imprisonment\*

\* with forced labour

[36a] [46]

Footnote: Source 36 states 1-10 years, source 46 states 1- 6 years

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**Military Service Personnel**

**5.97 Absence Without Leave – Conscripts, Reservists and Deserters** Various punishments for absence without leave are liable. See Penalties for Draft Evasion and Desertion above.

**5.98 Draft Evaders** Article 16 of the NSC provides that if a conscript who has received his joining orders does not appear at the designated site within 30 days of the indicated date, he will be considered to be absent without leave, unless the delay was caused by circumstances beyond his control. Such individuals were reportedly sought by the Gendarmerie nationale. Such persons may enter Algeria but will only be able to leave again when their national service position is regularised. [8u]

**5.99** In 1996 a paper by the Swiss section of AI stated that in the prevailing climate the risk of torture was high, owing to the fact that deserters and call up evaders were easily taken for supporters of Islamic movements. [46] Also, a 1998 report by War Resisters International stated that on the one hand conscripts were threatened with death by the armed Islamic groups and on the other they faced long prison sentences if they desert or refuse to perform military service. [36a]

**5.100** However, more recent reports state that absentees are not treated so harshly by the authorities as in the past. The Algerian authorities informed the Canadian Embassy in Algiers in March 1999 that people suspected of being absent without leave were arrested by the police and immediately brought before a military tribunal which is free to decide the punishment for the individual, according to the law. They stated that absence without leave was not considered to be a major issue by the Algerian authorities: those convicted of this offence were usually sent to their units to do their national service. [8n]

**5.101** The same source quoted two Algerian human rights organizations - the Observatoire national des droits de l'homme (ONDH), which was linked to the state, and the Ligue algérienne des droits de l'homme (LADH). They stated that they had received no complaints regarding torture of deserters and draft evaders. Both these organisations also indicated that the situation today is considerably different from what it was in the 1970s, when soldiers who were absent without leave might have been treated more harshly. [8n]

**5.102** A professor specialising in Algerian military affairs at the Centre d'études et de recherches internationales in Paris also believed in April 1999 that young Algerians who returned to Algeria were not tortured if they had not fulfilled their military obligations. [8n]

**5.103** A country visit report by the Canadian authorities in 2001 also stated that the tendency was for draft evaders to receive more lenient sentences, especially for those who merely sought to avoid doing their service, and the latter were therefore often only sentenced to do their normal service term. [11] At a seminar in June 2001 it was also stated that there is no more persecution of draft evaders. [28]

**5.104** Another country report of January 2003 also stated that men who were not exempt from the national service regularisation measures described above (See Exemptions/Regularisation Measures from 1999) and who had evaded their military service by going abroad were detained on their return, handed over to the military authorities and sent to carry out their conscription. Unlike other new conscripts they were deployed away from their home area and not allowed any visitors. According to this report, there was no punishment. [12]

**5.105** UNHCR have stated they are not aware of the authorities using excessive or inhumane or discriminatory treatment in the case of deserters and draft evaders. [24d] See UNHCR section

**5.106 Deserters** After serving their prison sentence (see Penalties for Desertion and Draft Evasion above) deserters still have to fulfil the rest of their interrupted time in military service. [12]

**5.107** A country visit report of 1999 stated that deserters were dealt with much more severely than draft evaders and it was not known how the authorities were presently deciding deserter's cases. [11] Another recent country report of 2003 stated that as conscripts are used in conflicts with the armed opposition, the desertion rate was high, and deserters were punished in accordance with military legislation. [13]

**5. 108** However, at a country information seminar in June 2001 organised by UNHCR/ACCORD one of the speakers considered that deserters were at risk of torture on return as they would be considered to have broken the law of silence regarding past atrocities by the security forces. [28] (p21)

**5.109 Reservists.** It appears that many men did not respond to the various recall notices to the reserve in the 1990s. Although such men are liable for the same punishment as those who do not answer the draft call. [8w], reservists who have been recalled and fail to present themselves at the place where they have been assigned are not sought by the Algerian authorities. [8g] [8u]

**5.110** According to comments by a researcher with the Centre des hautes études sur l'Afrique et Asie moderne in Paris reported in June 2000 the application of the law on national service seemed rather flexible. The researcher stated it was possible to raise questions about the application of the punishments because some people who had not answered the recalls had been able to continue their activities without being worried by the Algerian authorities. [8w]

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### **Threat to Military Servicemen from Armed Groups**

**5.111** Between 1993 and 1995 Islamists put up posters in mosques threatening to kill young Algerians who reported for military service and the deaths of hundreds of such

draftees was reported around 1994. [8n] Several human rights reports referred to the position of draftees who felt caught between the military authorities and the rebel groups. [36a] [46] Most newspaper reports of such cases were dated 1994 and 1995. However, in April 1999 there were still occasional reports of young men who had just finished their military service being the victims of attacks by insurgents. [8n]

**5.112** It has been claimed that a number of measures taken by the Government have diminished this type of Islamist activity and that the armed groups mainly launch general attacks against the civilian population in the regions rather than targeting specific individuals. [8n] A country report of January 2003 by the Netherlands authorities states that “At present, armed Islamists no longer focus violent actions on the conscripts who have just fulfilled their military service and are returning to society or who are just about to start their military service, contrary to the first year of terror.” [12] (p49)

**5.113** However, the GSPC armed group, reportedly targeted the military and conscripts within its areas of operation. [7h] [8z] See also Armed Groups and Annex C Main Armed Groups

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## **Medical Services**

**5.114** The standard of medical provision varies regionally. [13] [22] [73a] [66b] Most of the population lives in the towns and health provision is concentrated there. [13] [22] [73a] [66b] USSD for 2003 reported that “The Government provided free medical care for all citizens, albeit in often rudimentary facilities.” [6c] (p14) There are also private clinics. [13]

**5.115** A major restructuring of the healthcare and hospital service by 2010 was set out in the annual report of the Algerian Ministry of Health issued in April 2003. [22] Measures include improvements in the level of care outside main cities especially in the south of the country, and in hospital management and personnel administration. [22]

**5.116** The UN Human Development Programme (UNDP) Report 2003 placed Algeria in 107th place out of 175 countries in its Human Development Index. [23a] Life expectancy in 2001 was just over 69 years. [15a] [23a] Government expenditure in 2000 on public health was 3% of GDP. [15a] [23a]

**5.117** The Algerian Ministry of Health and Population publishes medical data. [22] This includes lists of regional and specialist hospitals and numbers of medical personnel in the public sector. [22] The information published in their report of April 2003 shows 1 doctor per 967 inhabitants, and a threefold increase in the number of polyclinics since 1990, leading to a current ratio of 1 polyclinic per 61 inhabitants. [22]

**5.118** It was reported that the annual Ministry of Health report in April 2002 stated the most common diseases in Algeria included water and animal borne diseases, cancer, and cardiovascular conditions. [73a] Renal diseases were increasing and insufficient dialysis was available. [73a] However fifty haemodialysis centres were to be set up by 2003. [56a] Diabetes was also a chronic disease, which was growing. [73a] In 2000 there were between 1.2 million and 1.4 million diabetics in Algeria. [73a] In March 2003 the incidence of tuberculosis was reportedly 60 cases per 100,000 and anti-tubercular drugs were available. [64a]

**5.119** There is an agreement between France and Algeria for gravely ill patients who cannot be treated in Algeria to be treated in France. [13] There is also an agreement between Belgium and Algeria that three hospitals in Brussels receive Algerian patients for treatment. This applies to people who are suffering from heart and vascular disorders, gravely ill children and injured soldiers. [13] In both cases the Algerian authorities are responsible for the costs involved. [13]

**5.120** There is also a bilateral medical agreement between South Africa and Algeria. [71a] The agreement covers a number of areas including training, blood transfusion and drug quality control. [71a] A team of cardio-thoracic doctors visited Algeria from South Africa in September 2003 to carry out heart operations. [71a] Algeria's public hospitals handle some 4500 heart treatments a year, while about 500 other cases are sent abroad. [71a]

**5.121 HIV/AIDS** Reported figures from the Algerian Ministry of Health in November 2003 stated that between December 1985 and June 2003 Algeria recorded 605 cases of AIDS and 1373 people living with HIV. [71b] According to information published by UNAIDS in November 2003 Algeria has a national strategic plan on AIDS for 2003-2006. This includes a budget to provide 100% anti-retroviral treatment. Current spending was US\$ 10 million through government resources. The information stated that the level of political commitment by the Algerian government has increased substantially. [16] In December 2003 President Bouteflika reportedly said that Algeria has spared no effort to cover HIV-AIDS infection nationwide. [68c] Information from the Foreign and Commonwealth Office in September 2001 stated that six referral centres had been established for AIDS treatment, including Algiers. Treatment was free. [5b]

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**5.122 Mental Health** There has reportedly been an increase in mental health problems due to the violence and in 2001 the Ministry established a national programme for neighbourhood mental health care. [73a] AI observed in 2003 that state programmes for psychological aid to victims of violence were few. [26c] In 2001 there were 10 psychiatric hospitals in different parts of the country. [20] Psychiatric services, including cover for psychiatric emergencies, are available within the public sector. [5d]

**5.123** In 2001 the World Health Organisation (WHO) reported that there were 1.1 psychiatrists per 100,000 population (compared with 11 in the UK). [15c] WHO also reported that mental health care was present in the primary health care system; while severe mental disorders were diagnosed in the primary health care system treatment of these was only available at hospitals. [15c] Information from the Foreign and Commonwealth Office (FCO) in 2002 was that most psychiatric patients were managed as out-patients, and in Algiers there were two specialist psychiatric hospitals, as well as a department of psychiatry in general hospitals. [5d]

**5.124** The FCO also reported in 2002 that a wide selection of medication, including Sulpiride, was available free of charge to psychiatric patients treated within the public sector in polyclinics and hospitals. [5d] The WHO report of 2001 stated that other therapeutic drugs that were generally available at primary health care level were: Carbamazepine, Ethosuximide, Phenobarbital. Phenytoin sodium, Sodium Valproate, Amitriptyline, Chlorpromazine, Diazepam, Fluphenazine, Halperidol and Levodopa. [15c] Biperiden and Carbidopa were not available and the availability of Lithium was unknown. [15c]

**5.125** The annual report of the Ministry of Health published in April 2003 stated that a large proportion of mental health cases were due to a range of neurotic and psychotic conditions. [22] The effect of the violence in the country has had serious repercussions on children. [22]

**5.126 NGOs (Non Government Organisations)** The International Committee of the Red Cross (ICRC) and the Red Crescent run programmes providing psycho-sexual support for women and child victims of violence. [33] Unicef has set up a special aid programme in collaboration with the Algerian authorities for children traumatised as a result of violence by armed groups. [12] The ICRC set up a permanent office in Algiers in 2002. [6c] (p13) [33] AI reported in September 2003 that independent associations existed with poor resources to help victims of violence with psychological rehabilitation, such as Chrysalide, a group working primarily on the rehabilitation of children who have been exposed to violence. [26c]

**5.127 Disabled persons** USSD reported that “The Government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing the work force, generally ignored a law that requires that they reserve 1 percent of their jobs for persons with disabilities. Social security provided for payments for orthopedic equipment, and some NGOs received limited government financial support.” [6c] (p16)

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## **Educational System**

**5.128** Education is free and compulsory between ages six and fifteen. [1] (p223) [6e] (p2) Primary education begins at age six. Secondary education begins at age twelve and lasts for up to six years (comprising two cycles of three years each). [1] (p223) UNDP reported that the total enrolment ratio in 2000-1 was 71%, and that the adult literacy rate in 2001 was 67.8 %. [23a] The study of Islam is a strict requirement in the public schools which are regulated by the Ministry of Education and the Ministry of Religious affairs. [6b] (p1) In 2000 the government launched a major review of the country’s educational system. [6e] (p3)

**5.129** The Country Background Note by the US State Department of November 2003 stated that “Algeria’s education system has reportedly grown dramatically since 1962 [?1992]; in the last twelve years attendance has doubled to more than 5 million students. Education is compulsory and free to age 16. Despite government allocation of substantial educational resources, population pressures and a serious shortage of teachers have severely strained the system, as has terrorism attacks against the educational infrastructure during the 1990s.” [6e] (p3)

**5.130** There are reportedly ten main universities, seven university centres and a number of technical colleges. [1] (p223) Modest numbers of Algerian students study abroad, primarily in Europe and Canada. [6e] (p3)

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## **6. Human Rights**

### **6.A. Human Rights Issues**

#### **Overview**

**6.1** Algeria has been subject to ongoing internal violence since the early 1990s. [1] (p165-180) [5c] (p2) [6a] (p2) [6c] (p2) [6e] (p4) [12] (p21) [24a] (p4-5) [25b] (p5-7) [26b] (p1) [27a] (p1) [29] (p1) Conflict between

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Islamist armed groups and the security forces, has led to thousands of killings of Islamic insurgents and security personnel, and also among the general population, which has been subject to attacks, killings, bombs and abductions. [1] (p165-180) [5c] (p2) [6a] (p2) [6c] (p2) [6e] (p4) [12] (p21) [24a] (p4-5) [26b] (p1) [27a] (p1) [29] (p1)

**6.2** President Bouteflika acknowledged in August 1999 that at least 100,000 people had died in the previous seven years as a result of the conflict. [1] (p178) Other estimates refer to a death toll of 100,000 to 150,000 deaths since the 1990s. [6c] (p2) [53] (p1) or even 200,000. [25b] (p6) A report by Forced Migration Online in January 2004 stated that “Although the situation in Algeria has dramatically improved from the most difficult moments of the crisis in 1993-4 and 1997-8 a final solution to the ongoing conflict remains elusive.” [53] (p1) USSD for 2003 reported that “The country is gradually emerging from over a decade of civil strife between proponents and opponents of an Islamic state.” [6c] (p1)

**6.3** There has been a change in the past few years in the pattern and intensity of the violence as the overall security situation has improved and the security forces have largely brought the security situation under control and forced the insurgents out of the main cities into the countryside. [1] (p178) [6a] (p2) [6c] (p2) [6e] (p4) [8y] [8ac] [11] (p6) [12] (p24) [13] (p7) [26c] (p33) [27c] (p1) USSD for 2003 reported that “Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year, a 61 percent decrease in violent deaths from 2002. Official government statistics indicated that fewer than 900 persons were killed.” [6c] (p1)

**6.4** There has also been a major shift of population in recent years [54] and about half the population now lives in cities and towns in the north of the country [6e] (p2) [12] (p5), many having voluntarily relocated for personal security reasons. [6c] (p14) [11] (p6) [13] (p17) [26c] (p36) [38] (p1) [53] (p15)

**6.5** Reports also state that the general population is disillusioned about lack of progress in improving living standards and unemployment. [7k] (p15214) [11] (p4, 5, 27, 30) [12] (p26) [26c] (p3, 19, 45) [27a] (p1) [37a] (p1) [37c] (p12) [47] Social unrest among the population has become apparent, in riots, demonstrations and strikes over local and general grievances, which are assessed to stem from frustration about socio-economic standards as well as cultural and ethnic issues. [1] (p171, 174) [5a] [11] (p14) [12] (p26) [26c] (p3,4,19) [27a] (p1) [37c] (p12) See also Economy, Events of 2001-2004 in Kabylia, Employment Rights and Trade Unions

**6.6 Pouvoir** Several reports refer to the important role of the military establishment in Algerian politics. [6c] (p1) [7n] (p14968) [29] (p2) [37a] (p1) Al reported in September 2003 that “Algerians in general continue to believe that the government’s authority is severely constrained by an unaccountable and secretive military establishment whose influence permeates decision-making in the country and whose might few dare to challenge openly.” [26c] (p3) However, the head of the army stated that the army would remain politically neutral in the 2004 presidential elections. [6c] (p10) [7w] (p15587)

**6.7** A country report by the Netherlands authorities of January 2003 noted that “This conservative factor of power is often referred to as ‘Le pouvoir’ and is considered by many as the authority that controls the real power in Algeria. ‘Le pouvoir’ consists of a number of older military men from the highest echelons of the army and intelligence services. The main man is considered to be the chief of defence staff, lieutenant-general Mohammed Lamari. The ‘pouvoir’ is not a homogeneous group, but also has all sorts of internal blood



groups and rivalries based for instance on the place of origin of the different people.” [12] (p15) The same report notes that “In addition to the military power and political influence behind the scenes, this elite controls a large chunk of the economic power as well.” [12] (p15)

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**6.8 Human Rights Issues** Human rights bodies have drawn attention to the human rights situation in Algeria, and called for measures to monitor and improve the present situation and deal with past injustices. Among the issues raised were responsibility for killings and disappearances in the past ten years; impunity of the security forces; lack of independence of the judiciary; attempts to curb freedom of expression; and the situation of women. [1] (182) [6c] (p1) [25b] (p20-21) [26a] (p4-8) [26b] (p1) [26c] (p1) [26e] [27a] [29] [31] [32a] [37a] [37b] [37c] [42a]

**6.9** Most human rights reports consider that the level of human rights abuses has declined in recent years, although serious problems persist. An AI report of June 2003 stated that they had not found that the general conditions and situation in Algeria had improved significantly during the period 1999-2002 and assessed that the human rights situation in Algeria remained fundamentally unchanged, despite official rhetoric. [26a] (p5) AI also reported in September 2003 that “The human rights situation, although improved since the mid to late 1990s, remains of serious concern.” [26c] (p2)

**6.10** The USSD for 2003 stated that “The Government's human rights record remained poor and worsened in a few areas; however, important progress was made in some areas.” [6c] (p1) HRW reported in 2003 that “There was a noticeable decline in reports of human rights violations committed by the security forces compared to the mid-1990s. But the pattern of violations suggested that any decline was caused more by the drop in political violence than by stronger safeguards against abuse.” [27a] (p1)

**6.11** A country report by the Canadian authorities in 2001 observed that “The unanimous opinion of my interlocutors is that there is no group that is persecuted in Algeria today, aside possibly from members of terrorist groups. Given that my contacts included Berbers, women, human rights representatives, the press, a Christian minister and both supporters and opponents of government and given that Algerians express their views very openly, it is reasonable to give considerable weight to their opinion. This does not mean that persecution of an individual could not occur. It is entirely possible that if, for example, an Algerian adopted a position that challenged the authorities on a very sensitive issue (eg. a security matter), he could be put under such pressure that he would genuinely fear for his safety. However, these would be case by case situations, rather than the mere fact of belonging to a particular group. As for persons under threat from terrorist or other groups, internal flight is a viable option in many cases. What does exist in Algeria is discrimination. As in many societies, this can range from subtle to overt forms in relation to one's status in society or to one's education or to some other casual categorization. It can affect a person's access to employment, education, housing, benefits and so forth. Most of the discrimination is unofficial, although in some matters, for instance pertaining to women, laws exist that could be viewed as discriminatory.” [11] (p14)

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## **Security Forces**

See also Section 5 State Structures Internal Security Organisation

**6.12** USSD for 2003 reported that “While the Government generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces

committed serious human rights abuses.” [6c] (p1)

**6.13 Extrajudicial arrest and detention** Several reports indicate that persons continue to be arbitrarily arrested and detained and held incommunicado by the security forces, also that the number has fallen in recent years. [6c] (p3,5) [11] (p10) [12] (p41) [27a] (p4) HRW, commenting on detention and other violations, added “But the pattern of violations suggested that any decline was caused more by the drop in political violence than by stronger safeguards against abuse.” [27a] (p2)

**6.14** A country report prepared by the Canadian authorities in 2001 stated that, “Today, according to most interlocutors and judging from what evidence there is available, it is unlikely that any Algerian is at risk of disappearing, much less of being executed summarily, by the authorities, except in cases involving a threat to security or a case of excess on the part of members of the security services.” [11] (p10)

**6.15** A country report by the Netherlands authorities of January 2003 stated that “In the nineties, when the activities of the armed Islamists and the fight against them by the security forces reached a peak, random arrests without criminal hearings took place. Since 1999, these types of random arrests rarely happen anymore and the detentions that do take place only occur within the framework of a criminal inquest.” [12] (p41)

**6.16** Several reports also refer to cases of prolonged detention by the security forces contrary to legal procedures. [6c] (p3) [26b] (p3) [26c] (p9) USSD for 2003 stated that “During the year, there were no substantiated reports of disappearances in which the security forces were implicated. However, local NGOs reported a trend of prolonged detention ranging from 8 to 18 months that was frequently reported as a disappearance until the person in question was returned to his or her family. These “new” disappearances at the hands of security forces often differed in duration and outcome from the disappearances that remain unresolved and that occurred in the country during the first half of the 1990s. These incidents remained contrary to the legal procedures stipulated in the country's Penal Code and its Constitution.” [6c] (p3) See also Section 6 Human Rights Missing People

**6.17** AI also reported in September 2003 that “The authorities’ almost routine failure to respect domestic legislation protecting detainees’ rights contributes directly to the persistence of the problem of secret and unacknowledged detention. Despite the safeguards in the law, detainees are generally not allowed to communicate with the outside world, including their family, either immediately following their admission into garde à vue or even at any stage during it. They are also usually not allowed to receive visits from their family. Moreover, according to Amnesty International’s findings, few are informed of their rights in this regard.” [26c] (p9)

**6.18** The same AI report stated that legal safeguards which should protect detainees and have been in place for years are generally not respected by the judicial authorities or the security forces, let alone by the military establishment. [26c] (p7) A country report by the Swedish authorities also reported that the issue of a warrant of arrest is often not carried out. [13] (p7) See also Section 5 State Structures Legal Rights/Protection

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**6.19 Torture and violence** Some security forces have also committed serious abuses in connection with riots and demonstrations in the Kabylie region. See Section 6 Human Rights Events of 2001-2004 in Kabylia In the context of clashes with armed groups USSD

for 2003 reported “During the year, the press and the Algerian League for Human Rights (LADH) a local non-governmental organization (NGO) reported that security forces killed 31 civilians.” [6c] (p2)

**6.20** Several reports state that, although prohibited by the Constitution and legislation, the security forces have committed extrajudicial killings, tortured, beaten or otherwise abused detainees, [6c] (p1) [11] (p11) [12] (p57) [26c] (p9) [27a] (p1) [29] (p2-3) [28] (p10) but in general such abuses continued to decline and reported abuses by the security forces have become fewer. [6c] (p1) [11] (p11) [12] (p57) [27a] (p1) [29] (p2-3) However, USSD stated that “Many victims of torture hesitate to make public such allegations due to fear of government retaliation and a lack of physical evidence.” [6c] (p4) and other reports contained this point. [12] (p42) [26c] (p12) The security forces were blamed for involvement in the massacres of civilians in the 1990s. [1] (p165,167,168,169)

**6.21** USSD also reported that in 2003 “The incidence and severity of torture declined markedly; however, new allegations continued.” [6c] (p1) The risk of maltreatment or torture is reportedly greatest for detainees suspected of membership of, or sympathy with, armed groups in the context of the Government’s continued battle with armed insurgents. [11] (p11) [12] (p42) Much of this type of treatment is said to be at the hands of the DRS, or Military Security, agency. [26b] (p3) [27a] (p3)

**6.22** Amnesty International reported in September 2003 that “The vast majority of cases of torture and secret detention recorded in the last two to three years have indicated that the acts were carried out by operatives of Military security, or Sécurité militaire, a security service bearing the official title of the Département du renseignement et de la sécurité (DRS), Department of Information and Security, formally under the authority of the Ministry of Defence. The torture is generally alleged to have taken place inside military compounds, most notably the centre of Ben Aknoun in Algiers and the centre of Haouch Chnou in Blida, used, among other purposes, for the detention of suspects.” [26c] (p15)

**6.23** Human Rights Watch in 2003 identified cases of disappearance where Military Security were allegedly involved and stated that “Of all the various security forces Military Security acts with the greatest degree of impunity. It is “almost untouchable” according to human rights commissioner Ksentsini.” [27c] (p17-18)

**6.24 Torture Methods** Reported torture methods include beatings with fists, batons, belts, iron bars, plastic pipes or rifle butts; whipping; cutting with sharp objects; hitting the soles of the feet; soldering irons or cigarette butts applied to bare skin; burning cigarette ash thrown into the eyes; electrical shocks to the body, often to sensitive organs such as the genitals, to increase the pain the victim’s body may be soaked first in water; attempted strangulation, almost to the point of suffocation; sexual assault or the threat of rape; forced to look on while others are being tortured; hanging by the neck until loss of consciousness; placing lighted newspapers on the body; the “chiffon”, in which the victim is tied down and a rag is forced into the mouth and dirty water, containing detergent and other impurities, such as urine or household chemicals, poured through it which the victim is forced to swallow to induce choking. [6c] (p4) [12] (p42) [26c] (p11) [27a] (p4)

**6.25 Government response** USSD for 2003 reported that “The Government maintained that security forces resorted to lethal force only in the context of armed clashes with terrorists.” [6c] (p1) The same report stated that “The Government stated that, as a matter of

policy, disciplinary action is taken against soldiers or policemen who are guilty of violating human rights, and that some disciplinary action was taken during the year. In September [2003], Ali Tounsi, the head of security forces, announced that 2,269 gendarmes and 211 policemen had been dismissed over the last 2 years for abuse of authority. However, the Government did not routinely release specific information regarding punishments of military and security force personnel.” [6c] (p2)

**6.26** USSD also stated that “The gendarme responsible for the death of a Kabyle youth that sparked the Black Spring rioting was tried in September 2002 by a military tribunal and sentenced to two years in prison for involuntary homicide. No action was taken in the March 2002 case where hundreds of persons died in riots between gendarmes and protestors and the April 2002 case in which numerous persons were injured and killed during street battles between Kabylie protestors and riot police.” [6c] (p2)

**6.27** A country report by the Netherlands authorities of January 2003 reported that “In a small number of cases, the government officials involved in maltreatment or torture are prosecuted. In November 2000, the authorities declared that officials who commit torture or maltreatment would be prosecuted and they also announced that at the time between 350 and 400 officials had been convicted of human rights violations.” [12] (p43)

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**6.28 Preventive Measures** The head of the security forces reportedly told a national newspaper in July 2001 that changes were needed to improve training and culture. He said that security forces frequently breach the law and he attributed that to the lack of education and culture within the force and to recruitment without respecting criteria and conditions. This had led to the dismissal of over 1700 policemen in 1997 of whom over 280 were tried. [67a] In September 2002 the head of the Gendarmerie also announced a reorganisation policy, including a purge of those implicated in abuse during the Kabylie riots in 2001. [59a]

**6.29** A country report by the Netherlands authorities dated January 2003 stated that “Since 2000, judges have to include the behaviour of police officers towards the suspect in custody in their judgment. Furthermore, at the end of the custody, a medical examination of the suspect has to be taken. This rule is generally observed.” [12] (p42) The report also noted that “Moreover, the public prosecutors inspect the houses of detention where the suspects are remanded in custody from time to time.” [12] (p43)

**6.30** USSD also reported that “Local judges are required to grade the performance of Police Judiciaire (PJ) officers operating in their jurisdiction to ensure that the officers comply with the law in their treatment of suspects. In addition, any suspect held in preventative detention is to undergo a medical examination at the end of the detention, whether the suspect requests it or not.” [6c] (p6)

**6.31** The Netherlands country report also noted that “The last couple of years, human rights have come to form an integral part of the training of police and gendarme officers. This training is usually given in cooperation with the foreign – particularly French – police. Good training for policemen, including a sound knowledge of human rights, is nowadays the top priority for the senior Algerian police according to well-informed foreign observers.” [12] (p43) The ICRC has assisted with instruction of International Humanitarian Law for the country's armed and security forces in 2003. [33] (p333)

**6.32 Members of Security Forces** A 1994 report stated that members of the police force wishing to be discharged must have their resignation approved by a special police commission and leaving the force without authorisation could incur punishments ranging from a fine to imprisonment. [8a] At a country information seminar in June 2001 organised by UNHCR/ACCORD, one of the speakers considered that deserters from the police and army were at risk of torture on return as they would be considered to have broken the law of silence regarding past atrocities by the security forces. [28] (p21)

**6.33** However a recent country report by the Swedish authorities stated that “The police can leave the service without a problem. However, the profession of policeman is coveted job with relatively good wages. Policemen prove their identity by means of a service card which is withdrawn upon leaving the service. From a general point of view, policemen who leave their job without having formally given notice do not risk a penalty of imprisonment. However, officials who have had access to confidential information, such as policemen in the secret service, are in a different situation. It cannot be ruled out that policemen seeking asylum in this category risk a penalty of imprisonment if they return.” [13] (p7)

**6.34** A 1999 report provided by the Canadian authorities also stated that the police force was considered less important than the Gendarmerie and was the lowest paid in the security forces in Algeria. Also, it was unlikely that the authorities would search for a police candidate who failed to report after he had made the list of successful candidates and called for duty. [8q]

**6.35** A country report of March 2003 stated that “The police constitute a potential target for armed groups as they are in part representatives of the state, and in part have desirable weapons and identification papers which can be used for various purposes. According to our information, one to two policemen die every month as a result of the continuing armed conflict.” [13] (p7)

**6.36 Local militias – patriots/communal guards** Legitimate defence groups (Groupes de légitime défense – GLD) or “patriots” were founded for defensive purposes to compensate for a lack of security forces in isolated areas. Several human rights reports claimed that in the past these militias deliberately killed individuals who they believed were insurgents, and that they either acted with the security forces, or sometimes abused their power, and took action on their own initiative. [6c] (p3) [7g] [8t] They have been accused in the past of exceeding their remit and carrying out killings but no such cases have been reported recently. [7e] [8t]

**6.37** However, there have been recent reports that state-armed militias have been cooperating in criminal activities with armed groups. [26c] In November 2003 twenty-one municipal guardsmen were convicted on charges of membership of, and assisting, an armed group in the area of Jijel and Skikda. [67d] A former mayor of the town of Relizane and former head of a local self-defence group who had previously been accused of being responsible for over 200 forced disappearances was accused of the death of one of the persons identified in a mass grave discovered in November 2003. [6c] (p4) [60c]

**6.38** The Algerian authorities have said that security forces would be tried for human rights abuses. [6c] (p2) In December 2002 the army reportedly disarmed about 250 patriots who had been complicit with armed groups in the areas of Saida, Chlef and Relizane. [65a] In March 2004 the Interior Minister reportedly stated that the number of civilians who have

been armed [by the authorities] within the framework of self-defence in Algeria had reached 800,000 armed individuals and that their disarmament would be carried out progressively, depending on the security situation in the country. [67i]

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## Armed Groups

For more details on armed groups and areas of operation see Annex C Main Armed Groups

**6.39 Violence** Since the cancellation of the elections in 1992 and the banning of the FIS political party which was poised to win it, several Islamic armed groups have been operating in Algeria. [1] (p165,177-182 [5c] (p2) [12] (p6-7) [24a] (p3-5) [24b] [25b] (p5-7) [53] (p4,10) These groups have carried out attacks on various categories of persons and the civilian population, issued death threats and subjected their victims to kidnap, rape and other forms of ill-treatment. [1] (p165,177-182) [5c] (p2) [6a] (p2) [6c] (p1) [25b] (p5-7) [29] (p1)

**6.40** The violence has generally decreased since the 1990s. [6c] (p2) [12] (p22) [26c] (p4,33) [27a] (p1) [29] (p1) According to Algerian official statistics and the Algerian press the level of violence blamed on armed Islamic groups declined sharply in 2003. [59f] USSD for 2003 reported that "Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year, a 61 percent decrease in violent deaths from 2002. Official government statistics indicated that fewer than 900 persons were killed." [6c] (p2) Killings in 2003 took place at the rate of about 100 to 150 a month. [6c] [13] (p8) [26c] (p33) compared to about 200 a month during 2001 [66a] and 200-300 a month during 1999 and 2000. [7h] [26c] (p33) Seventy-four people were killed in the first two months of the year in armed group incidents. [5a]

**6.41** The violence occurred primarily in the countryside, as the security forces largely forced the terrorists out of the cities. [6c] (p2) [8ac] [12] (p2) [13] (p8) The authorities continued to mount anti-insurgency operations. [6c] (p1) Since the 1990s many people have moved to urban areas to escape the attentions of armed groups. [6c] (p14) [11] (p6) [26c] (p36) [38] (p1) [53] (p15)

**6.42** A report by the Swedish immigration authorities of March 2003 reported "it should normally be possible to avoid threats from armed groups by the person concerned going to any of the largest cities which are to be considered as safe." [13] (p17) The Swedish report also stated "[However,] in the present situation, terrorism is not a great problem in the major cities. Cities such as Algiers, Oran and Constantine are surrounded by police forces. Terrorist violence has decreased enormously and attacks occur more and more rarely in comparison with the difficult years in the 1990's." [13] (p7)

**6.43** As well as fighting for Islamist aims, a Netherlands country report of 2003 stated that "Part of the violence can also be blamed on common banditry, whereby the perpetrators (often under the guise of Islamic ideals) increase their own welfare by force of arms." [12] (p21) Official statistics indicated that crime had increased and was forecast to rise. [73b] In 2001 about 60% of crime related to contraband, and 22% to drug trafficking. [73b]

**6.44 Numbers of insurgents** Most recent reports about the number of insurgents who remain operational indicate a total of several hundred up to one thousand. [1] (p180) [7p] (p15154) [8an] [25b] (p7) [26c] (p47) [61a] [62a] [68a] compared to several thousands in the 1990s. [1] (p180) [25b] (p7) A recent country report stated that recruitment to the armed groups is done through family ties. [13] (p8)

**6.45 Main groups** The main groups operating now in Algeria are reportedly the Salafist Group for Call and Combat (GSPC) (Groupe Salafite pour la Prédication et le Combat / Da'wa wal Jihad, also the Armed Islamic Group (GIA) (Groupe Islamique Armé). [1] (p177-182) [6a] (AppxB) They are loose groupings of militia rather than a coherent command structure. [2] (p23) [26c] (p34) Both are proscribed organisations in the UK under the Terrorism Act 2000. Another significant group is the Katibat El Ahoual/Houmet el-dawa el salafiya/Defenders of the Salafi Propagation, said to be a splinter group of the GIA. [1] (p177-182) [8u] (p5) [8z] [12] (p21-23) [53] (p4,10) [25b] (p7) [61a] The Islamic Salvation Army (AIS) (Armée Islamique du Salut) no longer exists (see Civil Concord Law below). See also Annex C Armed Groups

**6.46** The GIA and GSPC and the Katibat El Ahoual are alleged to have links with Al Qaida. [1] (p179-180) [7p] (p15154) [13] [61a] About 2800 Algerians are estimated to have passed through Al Qaida camps in Afghanistan making Algerians the third largest contributor of manpower to the group after Saudi Arabia and Yemen. [7p] (p17154) A number of Algerians have been convicted of terrorist operations in Europe and North America. [1] (p180) [7p] (p17154)

**6.47** The motives for the killings by armed groups are attributed to the Islamic ideological struggle, but some of their activities are criminal rather than political such as "turf wars" between rival groups, revenge banditry, land grabs, committing robberies or operating protection rackets. [6c] (p2) [11] (p3) [12] (p21) [26c] (p45)

**6.48 GIA** A country report by the Netherlands authorities of January 2003 noted that "The GIA does not distinguish between active enemies and neutral bystanders and sees every single individual who does not explicitly state to share their body of thought as a nonbeliever and deserter and therefore as a potential target. The armed actions of the GIA, which also include atrocities such as beheadings that are accompanied by massacres in addition to bomb attacks, are therefore not only aimed at government officials but also at ordinary citizens." [12] (p22) USSD noted "There were incidents of women and girls being kidnapped by terrorist groups for the purposes of rape and servitude during the year." [6c] (p13)

**6.49** AI commented in September 2003 that "Most observers point out that the GIA includes hardline Islamist activists striving to impose their particular view of what an "Islamic" society should be, autonomous groups of common-law criminals whose actions are not dictated by any political or religious objectives, and groups acting in the framework of mafia-type organized criminality." [26c] (p 35)

**6.50** USSD also reported that "In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. . . . Other tactics included creating false roadblocks outside the cities, often by using stolen police uniforms, weapons, and equipment. Some killings, including massacres, also were attributed to revenge banditry and land grabs." [6c] (p2) They also threatened individuals (such as shopkeepers and entrepreneurs) in dangerous regions. [8z]

**6.51** In the early and mid-1990s the GIA made specific threats against many categories of people who they considered anti-Islamic such as members of the security forces and women who wore western dress. [24a] (p17) However, a report in 2003 indicated that there are no recent reports of attacks being conducted on account of lifestyles that conflict with "Islamic values". [8av]

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**6.52 GSPC** The GSPC is now said to be the most effective and organized armed group now in Algeria and to have eclipsed the GIA. [6a] (p2, Appx B) It reportedly targets security force infrastructure and personnel, rather than civilians. [7h] (p14268) [12] (p23) [26c] (p35) A report in 2000 stated that young men of conscription age can be subjected to threats before they do their national service [8z] but a country report dated January 2003 stated that “At present, armed Islamists no longer focus violent actions on the conscripts who have just fulfilled their military service and are returning to society or who are just about to start their military service, contrary to the first year of terror.” [12] (p50) See Threat to Military servicemen from Armed Groups The GSPC are suspected to be linked to the kidnapping of a number of foreign tourists in the Algerian Sahara in early 2003. [1] (p181)

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**6.53 Civil Concord Law** The Civil Concord Law of 1999, which was endorsed by a referendum of September 1999, led to the offer of an amnesty for Islamic militants not implicated in ‘mass killings, rapes, or bomb attacks in public places. [1] (p169) [11] (p12) [26c] (p39)

**6.54** Shortly before the expiry of the amnesty in January 2000 one of the main groups, the AIS, and another smaller group, the LIDD, reached agreement with President Bouteflika and disbanded with unconditional amnesty terms. [1] (p169) [6c] (p2) [7a] (p13799) [7b] (p13834-5) [11] (p12) [12] (p9,50) [26c] (p39) They had been observing a unilateral cease-fire since October 1997. [1] (p170) [11] (p12) There was resentment by some victims of the violence and their relatives at the apparent impunity that had been extended to insurgents. [11] (p12) [26c] (p40) Members of the AIS who took advantage of the amnesty were initially said to be integrated into the security forces. [1] (p169)

**6.55** No official account of the response to the Civil Concord Law and presidential decree has been issued. [7d] (p14119) [26c] (p40) The GIA and GSPC turned down the plan. [1] (p177-8) [7b] (p13835) [12] (p7) However a number of individual insurgents - repentants or “repentis” - availed themselves of the offer. Estimates of those who surrendered initially included more than 8000 according to a leaked report, [62a] about 5500 reported by AI quoting government sources, [26c] (p40) and 7000 by a former defence minister. [7d] (p14119) It was estimated that just over 1000 were from the AIS and the Islamic League for the Call and the Combat (LIDD) – groups associated with the 1997 ceasefire. [7b] (p13834) [7d] (p14119)

**6.56** AI also noted in September 2003 that “There is even less clarity about how many of those who surrendered under the Civil Harmony law were brought to justice and how many of these were convicted and for what crimes. Algerian government officials told Amnesty International delegates in May 2000 that judicial proceedings had been initiated against some 350 people who had surrendered under the Civil Harmony law, but it is not known whether any of these have been convicted of human rights abuses.” [26c] (p40)

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**6.57 Ongoing amnesty situation** President Bouteflika has said that the amnesty is still available to those who want to give up terrorism, although there is apparently no formal extension of the Civil Concord Law. [7c] (p13907) [26a] (p15) [26c] (p40-41) According to an EU report in December 2001 although the amnesty formally ended on 13 January 2000 in practice it was still open. [51]

**6.58** A report by the Netherlands authorities stated:  
“From that moment onwards, [the presidential decree of January 2001] the amnesty programme was extended in practice to cover everybody who gave themselves up voluntarily to the authorities. Moreover in practice the ultimate deadline that was



initially set for reporting oneself to the authorities was not observed. Until today, ex-militants who report themselves to the authorities and give up their arms can count on amnesty. These people were, without being tried, released and rehabilitated after questioning. Numbers mentioned by observers run in to a few thousand. According to official reports of the Algerian Ministry for Religious Affairs, 600 former Islamic militants are now officially in public service as imam in a mosque again.” [12] (p7)

**6.59** The Netherlands report also stated “The scope of the above-mentioned amnesty programme, which remains valid in practice, is so wide that those who bitterly regret their participation in armed Islamic operations or support to those groups and who are staying abroad, can report for amnesty to the Algerian representation in that country and can then travel back to Algeria undisturbed.” [12] (p52)

**6.60** AI reported:

“Since 13 January 2000, hundreds more armed group members are reported to have surrendered to the authorities. During this time, no legal provisions have existed allowing for such people to be granted exemption from prosecution, or even to receive reduced penalties. Justice Ministry officials confirmed this during a meeting with Amnesty International delegates in February 2003, stating that all armed group members who gave themselves up were systematically brought to justice so that any crimes they might have committed could be investigated. However, government authorities, including President Bouteflika himself, have indicated, since January 2000, that members of armed groups who surrendered voluntarily would still benefit from some unspecified measures of clemency. The President, moreover, has repeatedly talked of a National Harmony project since January 2001. No information has been provided about what this project entails in detail, but the President has suggested that it may involve an expanded version of previous amnesty measures. The contradiction between the law and political pronouncements appears to be reflected in practice. Consistent reports during the last three and a half years have indicated that individuals or groups of individuals who gave themselves up after 13 January 2000 have been allowed to return home immediately or shortly after their surrender, suggesting that they are being granted exemption from prosecution. Given that such measures do not fit within the framework of any legal provisions, they can only be described as arbitrary. Moreover, no investigations appear to be conducted into what human rights abuses, such as killings of civilians, these former armed group members may have committed. Amnesty International has learnt that some armed group members who have surrendered to the authorities since 13 January 2000 have been given an official certificate, bearing their name, photograph and dossier number, to prove that they are exempt from prosecution. Significantly, the certificate reportedly bears no date, in a possible attempt to conceal the fact that exemptions from prosecution continue to be granted outside of any legal framework. The organization has also received information that some of those who give themselves up are given back their weapons after leaving armed groups in order to defend themselves against former comrades.” [26c] (p40-41)

**6.61** According to a further recent country report by the Swedish immigration authorities: “In the present situation, there seems to be some confusion as to whether members of the armed opposition who give up still enjoy an amnesty in accordance with the aforementioned act or decree. All but one of the people whom we asked, however, was of the opinion that this is the case. According to several sources, the Civil

Concord Act is still applicable, although it formally ceases to apply. People who have been involved in terrorist groups shall, in other words, still have the opportunity to give up, be exempted from punishment and be integrated into society, provided that they have not committed serious crimes of violence. However, the Civil Concord Act is criticised by many as former terrorists are offered assistance. A former policeman in the fight against terrorism states that members of armed groups are still being given amnesties regardless of whether they have committed serious offences or not. However, there is information that terrorists are no longer given amnesty without being judged in accordance with the penal code.” [13] (p9)

**6.62 Repentants** According to a report by the Canadian authorities in 2001 there are reports that some repentant insurgents (“repentis”) have been killed by their former associates. In some cases the government has moved repentants to other areas of the country to avoid reprisals and given assistance with accommodation and employment. The report stated that “Just as other Algerians have the option of moving to larger cities to escape situations that are unpleasant, there is nothing to prevent the “repentis” from doing the same, with or without Government assistance. The major drawbacks to ‘internal flight’, unless it is state sponsored, are the difficulty of finding a job and housing in a new place, especially if a person lacks financial means of his own.” [11] (p13)

**6.63** Reports also suggested that some repentants returned to fight with the armed groups. [1] (p180) The Canadian country report above noted that “[Finally,] there are reports that many of the “repentis” have returned to the bush and have resumed their terrorist activities. Again there is no way of determining the accuracy of this statement but most interlocutors believed that while some “repentis” inevitably did so, the majority had not.” [11] (p13)

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## Missing People

**6.64** The government has been criticised for failing to respond adequately to the concerns of relatives and local and international human rights groups about the fate of persons reportedly missing after detention by the armed forces during the 1990s. [1] (p181-182) [6c] (p3) [26b] (p1) [27a] (p3) [27b] (p10) [27c] (p1)

**6.65** The vast majority of these cases occurred between 1994 and 1998. [26c] (p25) [27b] (p10) The total number involved is debated: estimated figures from different sources ranging from 3200 up to 18,000 have been put forward. [1] (p181-182) [6c] (p3) [12] (p44) [25b] (p6) [27a] (p4) [27b] (p10) [53] (p9) A total of 7200 disappeared persons was referred to as documented and legitimate by the chairman of the mechanism set up in September 2003 to deal with this issue. [67c]

**6.66** AI reported in September 2003 “The authorities acknowledge that they have received thousands of complaints from families alleging that relatives have “disappeared” following arrest by the security forces or state-armed militias, but generally do not accept the complaints as well-founded.” [26c] (p27)

**6.67** Since 1999 there have been very few reports of new “disappearances”. [26c] (p26) [27b] (p10) USSD for 2003 reported that “During the year, there were no substantiated reports of disappearances in which the security forces were implicated. However, local NGOs reported a trend of prolonged detention ranging from 8 to 18 months that was frequently reported as a disappearance until the person in question was returned to his or her family.

These "new" disappearances at the hands of security forces often differed in duration and outcome from the disappearances that remain unresolved and that occurred in the country during the first half of the 1990s. These incidents remained contrary to the legal procedures stipulated in the country's Penal Code and its Constitution." [6] (p3)

**6.68** AI also reported "The way in which the authorities have dealt with mass graves which have been discovered since 1998 has generated considerable fears and anxieties that the available evidence is either not being processed in line with internationally accepted standards or, worse, is being destroyed." AI also stated that "These families [of missing people] believe that the remains of their relatives may lie in a mass grave and hope that sooner rather than later those remains might be exhumed, allowing them to lay their relatives to rest with dignity. Associations of families of the "disappeared" are also deeply concerned, as they believe that some sites may contain bodies of individuals who "disappeared" after arrest by the security forces or state-armed militias." [26c] (p29)

**6.69** There have been no reported prosecutions of security force personnel stemming from these cases, although government officials stated in November 2000 that between 350 and 400 security officials had been punished for "human rights abuses." [12] (p43) [26c] (p40) HRW reported in December 2003 that "Authorities at first denied the problem. Then, beginning in 1998, they acknowledged but minimized it while claiming to be investigating and resolving individual cases. But the issue continued to tarnish Algeria's image abroad. In 1999, officials began acknowledging the problem as a difficult one that needed to be addressed." [27b] (p10)

**6.70** In August 2003 President Bouteflika decided to set up a mechanism on the question of missing people under the aegis of a semi-official human rights group, the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPDH - Commission nationale consultative de promotion et de protection des droits de l'homme). The body was also to draw up a national plan for promoting human rights. [69a] The mechanism was set up under a complementary legal decree in September 2003 to act as an interface between the authorities and the families of the "disappeared". [67c]

**6.71** After the decree defining the new mechanism's powers and mandate was published in November 2003 AI and HRW criticised these. AI stated: "Amnesty International is concerned that, among other things, the mechanism has only limited powers to gather information on "disappearances" cases and no mandate to identify those responsible for acts of "disappearance". [26e]

**6.72** HRW stated that "The decree gives this new body weak investigative powers and defines the information it can seek narrowly. While it may take the welcome steps of verifying claims of "disappearance" and proposing compensation to families, it is unlikely to challenge the long-standing refusal of state agencies to divulge how "disappearances" were carried out by their agents and which units and individuals are responsible for them. Unless it embraces a more expansive interpretation of its mandate to investigate and make recommendations, the new body is unlikely to help Algerians turn the page on this national tragedy and end the climate of impunity for human rights abuses." [27b] (p2)

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## **Freedom Of Speech And The Media**

**6.73 Freedom of Speech** The USSD for 2003 stated that "The Government imposed new

restrictions on freedom of expression, and an increased willingness to implement them.” [6c] (p1) A country report by the Canadian authorities in 2001 stated that “There is a remarkable degree of freedom of speech in Algeria. . . . It is evident in discussions with opponents to the current regime that they do not feel constrained in expressing their views. Indeed, most interlocutors who were critical of the government for one thing or another were not at all hesitant to say so and many have done so publicly. This said, there have also been instances that suggest the authorities will remain tolerant up to the point where someone’s views begin to cause them problems.” [11] (p 23)

**6.74** USSD for 2003 also reported that “The Government did not restrict academic freedom. Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, during the year, some continued to return. A growing number of academic seminars and colloquiums occurred without governmental interference. There were extensive visa issuance delays to international participants and refusal to allow international experts into the country.” [6c] (p8)

**6.75 Newspapers** USSD for 2003 reported that “The country’s independent media consists of nearly 40 publications that support or oppose the Government in varying degrees. El Moudjahid remains the sole state-owned paper. Few papers have a circulation that exceeds 15,000, making the degree to which they are both financially and editorially independent questionable. There were no newspapers owned by political parties, although Liberte, L’Expression, L’Autentique, and El-Borhane continued to report from an ideological perspective. Many parties, including legal Islamic political parties, had access to the independent press, in which they expressed their views without government interference. Opposition parties also disseminated information via the Internet and in communiqués.” [6c] (p7)

**6.76** A country report by the Netherlands authorities stated “The best-known government publications are the newspapers Ech-Chaâb (Arabic) and El-Moudjahid (French). Of the private newspapers, the El-Khabar (Arabic), the Liberté, Le Matin and El-Watan (all three in French) have the widest circulation. There are also regional newspapers. The regional newspaper Le Quotidien d’Oran reaches a circulation that is comparable with the biggest national newspapers.” [12] (p33)

**6.77** The USSD report for 2003 also stated that “The Constitution provides for freedom of speech and press; however, the Government restricted these rights in practice. The Penal Code imposed high fines and prison terms of up to 24 months for defamation or “insult” of government figures, including the President, members of Parliament, judges, members of the military and “any other authority of public order”. Those convicted face prison sentences that range from 3 to 24 months and fines of \$715 to 7,150 (50,000 to 500,000 dinars). During the year, at least 96 prosecutions occurred under the Penal Code.” [6c] (p7)

**6.78** The same report stated “The law permits the Government to levy fines and jail time against the press in a manner that restricts press freedom. However, in practice the existence of such did little to curb independent press reporting. Journalists were repeatedly subject to harassment, intimidation, or violence by police. During the past decade, terrorists and in some instances, security forces, frequently targeted the local media for supporting one side over the other.” [6c] (p7)

**6.79** Other reports referred to independent and open criticism of the government by the

press, and their reporting freely on security issues such as the violence in Kabylia. [11] (p10) [12] (p33) [27a] (p5) The UN Special Rapporteur Report of January 2003 stated “Sporadic incidents notwithstanding, freedom of the press in Algeria is a reality. The press does not stint on criticism - nor, at times, on excess.” [25b] (p24)

**6.80** Freedom House report 2003 stated “Press freedom is limited by government control of the broadcast media, laws that ban vaguely defined defamation of state officials, and the overall lack of security. At least 70 journalists have been murdered since the early 1990s. A June 2001 amendment to the penal code increased the penalties for defamation of any “authority of public order” and facilitates their prosecution. Nevertheless, the print media remain among the most vibrant in the Arab world. While many journalists were interrogated by the authorities in 2002, and a handful were charged with press offenses, the few who were convicted did not receive prison sentences.” [29] (p3)

**6.81** The USSD noted that “In general journalists exercised self-censorship by not publishing criticism of specific senior military officials, although during the year, the press widely criticized current and retired military officers.” [6c] (p8) A report by the Netherlands authorities of January 2003 noted that “The printed media enjoy a large degree of freedom to write what they want. The private newspapers do not have self-censorship and regularly severely criticise the government’s behaviour. For instance, the private press extensively covered the use of excessive violence by the gendarme officers during the disturbances in Kabylia and the president, various ministers and senior generals are poked fun at in caricatures. In the private media, there is also plenty of space for the body of ideas of the opposition.” [12] (p33)

**6.82** HRW 2003 also noted that “Private newspapers, in spite of repressive press laws, often criticized government actions, publishing eyewitness accounts of the gendarmerie’s suppression of demonstrations, and accusing officials and state institutions of corruption, nepotism, and incompetence.” [27a] (p5)

**6.83** A report by the Netherlands authorities stated that “The state has a number of tools for controlling the printed media. An important instrument is the advertising revenue. The printed media are largely dependent on these revenues, about three quarters of which nowadays come from state-owned companies. Although, there is no monopoly situation, the majority of the printing businesses in the country are controlled by the state. Paper imports are also largely concentrated in the hands of the state. The bulk of the buildings that house the media are state property. The private newspapers El Watan and El Khabar brought their own printing sites into use in June 2001 so that they are less dependent on state printers. They also have a private paper supply.” [12] (p33-4)

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**6.84** Human rights groups, including HRW, Reporters sans Frontières (RSF) and Committee for the Protection of Journalists (CPJ) have drawn attention to a number of cases where journalists have been assaulted by security forces or brought to trial for alleged libel against prominent people. [27a] (p5) [31] [32a] (p1-7) They have also protested at the use of prison sentences for press offences and treatment of journalists who tackle taboo subjects such as human rights violations and criticism of the military. [27a] (p5) [31] [32a]

**6.85** In late 2003 and early 2004 the International Federation of Journalists (IFJ), RSF and CPJ also condemned the actions of the authorities against a number of newspaper staff, editors and journalists, and a cartoonist. [31] [32b] [32c] [32d] [32e] [32f] [32g] [35] USSD reported that “In August [2003], the Government overtly used its power to halt newspaper

publications and actively attempted to curtail local media criticism of high-ranking government officials, including President Bouteflika.” [6c] (p7)

**6.86** In early 2004 a book written by the editor of Le Matin was published which reportedly made serious allegations against President Bouteflika and the Interior Minister, Mr Zerhouni. [60e] It was reported that measures were taken by the authorities aimed at preventing the book from going on sale in Algeria. [60e]

**6.87 Radio and television** Algerian radio and television are under state control, [6c] (p7) [12] (p34) described by HRW as “government mouthpieces”. [27a] (p5) However, the reception of foreign television stations via satellite dishes is permitted and is widespread. [6c] (p7) [11] (p23) [12] (p34) “Algerians thus have access to broadcasting from European and Middle Eastern countries and even further afield.” [11] (p34) The USSD for 2003 reported that “Opposition candidates were prevented from appearing on television or radio during the last quarter of the year in anticipation of the 2004 presidential elections.” [6c] (p7)

**6.88 Internet** The number of Internet users was officially estimated as 500,000 in June 2002. [60e] A country report by the Netherlands authorities dated January 2003 stated that “The use of internet has rocketed in the last years. There are many internet cafes. None of the websites are blocked, however, internet providers and internet cafes do have to make sure that the users do not consult information that offends against the public order and decency.” [12] (p34) USSD for 2003 also stated “Opposition parties also disseminate information via the Internet and communiqués.” [6c] (p7)

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## **Freedom Of Religion**

**6.89 Islam** The official religion is Islam and the vast majority of the population is Sunni Muslim. [1] (p212,217) [6b] (p1) [6e] (p2) The UN Special Rapporteur, in his visit report dated January 2003, stated that “Ninety-nine per cent of the Algerian population are Sunni Muslim adherents of the Maliki school of law. The Maliki school, which predominates in the Maghreb, is a fairly hard-line one drawing on the tradition inherited from Medina at the time of the Prophet; it recommends taking account of the general interest and sets great store by tradition.” [25b] (p8)

**6.90** The government appoints preachers to mosques and gives general guidance on sermons. [6b] (p2) [12] (p37) [25b] (p11) [29] (p3) Activities in mosques are monitored for security reasons. [6b] (p2) [12] (p37) Amendments to the Penal Code in June 2001 established strict punishments for anyone other than a government designated Imam to preach in a mosque. [6b] (p2) [12] (p37) USSD for 2003 reported that “The Government sanctioned a number of imams for inflammatory sermons following the May 21 [2003] earthquake.” [6c] (p10)

**6.91** The US State Department Religious Freedom Report 2003 stated that “The country's 11-year civil conflict has pitted self-proclaimed radical Muslims against moderate Muslims. . . . Extremists continued attacks against both the Government and moderate Muslim and secular civilians; however, the level of violence perpetrated by these terrorists continued to decline during the period covered by this report.” [6b] (p3) The same report also noted that “The majority of the country's armed groups do not differentiate between religious and political killings.” [6b] (p3)

**6.92** A very small number of citizens, such as Ibadi Muslims living in the desert town of

Ghardaia, practice non-mainstream forms of Islam or practice other religions. [25b] (p8) According to the US State Department International Religious Freedom Report 2003, there is minimal societal discrimination against them. [6b] (p1) Freedom House Report 2003 stated that "Islam is the state religion, though small Christian and Jewish communities are allowed to practice without governmental interference." [29] (p3)

**6.93 Other religions** No official statistics are available on numbers. [25b] (p8) The US State Department Report on Religious Freedom estimated "The small Christian community, which is predominantly Roman Catholic, has approximately 25,000 members, and the Jewish community numbers perhaps fewer than 100 persons. There are no reliable figures on the numbers of atheists in the country, and very few persons identify themselves as such. . . . For security reasons, due mainly to the 11-year civil conflict, both Christians and Jews concentrated in the large cities of Algiers, Constantine, and Oran in the mid-1990s. There also is a Christian community in the eastern region of Kabylie." [6b] (p1)

**6.94** The UN Special Rapporteur Report of January 2003 provided estimates supplied by the communities concerned: "These suggest that Algeria has 10,000 Catholics and between 5,000 and 20,000 Protestants. One Adventist church is said to have a congregation of about 20. . . . According to the Ministry of the Interior's Director of Public Liberties, there may be around 1,000 Jews living in Algiers, Blida and Constantine, but all those interviewed felt that there was no longer a real Jewish community and no working synagogue." [25b] (p8)

**6.95** The US State Department Religious Freedom Report 2003 stated that "The Constitution declares Islam to be the state religion but prohibits discrimination based on religious belief, and the Government generally respects this prohibition in practice, with some limited exceptions. The law limits the practice of other faiths; however, the Government follows a de facto policy of tolerance by allowing, in limited instances, the conduct of religious services by non-Muslim faiths in the capital which were open to the public. The small Christian and tiny Jewish populations generally practice their faiths without government interference." [6b] (p1)

**6.96** A report by the Netherlands authorities also noted "During the last couple of years, there have been no known cases of Christians being a target of Islamic groups. Leaders of the Christian communities in Algeria have stated that the government is certainly prepared to offer protection and is also actively capable of doing so should the occasion arise." [12] (p38)

**6.97** According to the UN Rapporteur "In general the Christian minorities do not feel their religious observance brings them any problems." [25b] (p19) Freedom House reported that "Islam is the state religion, though small Christian and Jewish communities are allowed to practice without governmental interference." [29] (p3) The US State Department Report on Religious Freedom noted "In general noncitizens who practice faiths other than Islam enjoy a high level of tolerance within society; however, citizens who renounce Islam generally are ostracized by their families and shunned by their neighbors. The Government generally does not become involved in such disputes. Converts also expose themselves to the risk of attack by radical extremists." [6b] (p3)

**6.98 Proselytising and conversions** Non-Islamic proselytising is illegal. [6b] (p2) The UN Rapporteur reported "The topics of conversion and non-Muslim proselytising tend to be

blown up and treated as though they were major threats to the existence of Islam, though Islam is deeply rooted in Algeria.” [25b] (p24) The US State Department Report on Religious Freedom reported “There is only one missionary group operating in the country on a full-time basis. Other evangelical groups travel to and from the country but are not established. While Christians do not proselytize actively, they report that conversions take place without government sanction or interference.” [6b] (p1)

**6.99** A country report by the Netherlands authorities stated “Missionaries regularly obtain tourist visas for entering the country, even when the authorities know that they are missionaries. There are no restrictions on the import of non-Islamic literature either. The International Bible Society has an office in Algiers and can import and distribute Bibles and other Christian literature in all languages, including in Arabic. At present, the Bible Society in Algeria is working on a bible translation into Tamazight, the language of the Berbers.” [12] (p38)

**6.100** The US State Department Report on Religious Freedom report noted “Conversions from Islam to other religions are rare. Due to safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely.” [6b] (p2) Evangelical campaigns have been staged, mainly in Kabylia, although conversions have been comparatively few. [25b] (p16)

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## **Freedom Of Assembly And Association**

**6.101 Assembly and Association** USSD for 2003 reported that “The Constitution provides for the right of assembly; however, the Emergency Law and government practice sharply curtailed this right. Citizens and organizations were required to obtain permits from the appointed local governor before holding public meetings. The Government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were frequently granted days before events were to take place, often impeding event publicity and outreach.” [6c] (p9) Freedom House 2003 report stated “Emergency legislation restricts freedom of assembly and association.” [29] (p3)

**6.102** The USSD report noted “However, the Government tolerated numerous marches, protests, and demonstrations during the year in other parts of the country. Gatherings occurred without government interference on the dual anniversary of the 2001 Kabylie Black Spring and 1980 Amazigh Spring and during the war in Iraq. However, in other instances, security forces used force to curtail or suppress public demonstrations, although the severity of force used declined significantly from 2001. The 2002 ban on public demonstrations in the communes on the outskirts of Tizi Ouzou remained in place.” [6c] (p9)

**6.103 Non Government Organisations (NGOs)** USSD for 2003 reported that “The [Interior] Ministry may deny a license to, or dissolve, any group regarded as a threat to the Government's authority, or to the security or public order of the State.” [6c] (p9) It also stated that “Some groups continue to be active without official or legal recognition, but bureaucratic delays hindered their freedom of association and assembly.” [6c] (p9)

**6.104** A country report by the Netherlands authorities noted that “Human rights organisations, trade unions and other non-governmental organisations can criticise the authorities, which often happens in practice. Sometimes, however, they are disrupted and hindered in their work by the authorities because of that.” [12] (p36) Freedom House Report 2003 stated “The country's vibrant human rights movement operates openly, and most



demonstrations are tolerated unless they turn violent.” [29] (p3) However, some human rights activists have reportedly been harassed by the authorities. See Human Rights Activists below

**6.105** USSD for 2003 reported that “The most active independent human rights group was the Algerian League for the Defense of Human Rights (LADDH), an independent organization that had members throughout the country. The LADDH was not permitted access to government officials for human rights and advocacy or research purposes, or to prisons, except as under the normal consultations allowed between a lawyer and a client. The less active Algerian League for Human Rights (LADH) was an independent organization based in Constantine. The LADH had members throughout the country who followed individual cases.” [6c] (p12) also [12] (p32)

**6.106** A country report by the Netherlands authorities noted “On September 24, 2002, the LADDH was granted permission by the authorities for the first time in eight years to hold a press conference. At that press conference, the chairman of the LADDH openly criticised the authorities on many issues. The repercussions of the press conference were felt in articles in a large number of national newspapers.” [12] (p37)

**6.107** The National Observatory for Human Rights (ONDH) was a semi-official group established by presidential decree in 1992 and funded by the government. [12] (p32) In 2001 the ONDH was abolished and replaced by the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH - Commission nationale consultative de promotion et de protection des droits de l’homme) [12] (p32) The chairman has stated his priority is the issue of disappearances. [12] (p32) See Section 6 Human Rights Missing People In 2001 the government also appointed the CNCPPDH as the national Human Rights Ombudsman. [6c] (p13)

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**6.108 ONVT and ONVITAD** The ANFVT (Association nationale des victimes du terrorisme) was founded in 1994. Following a reorganisation in 1999 the current head, Mme Flici, was re-elected as President. At this point the organisation changed its name to ONVT (L’Organisation nationale des victimes du terrorisme). However in press reports the two names of this organisation are still often used interchangeably. The ANFVT/ONVT is regarded as close to the government. [5g]

**6.109** A similar human rights group was set up in 1999 – ONVITAD (Organisation nationale des familles des victims du terrorisme et des ayants droit). The ONVITAD is headed by Mme Tounsi Rabah. It is also regarded as close to the government. [5g] The purpose of both groups is to assist the families of victims of armed group activities, particularly with compensation claims. They are the only two groups officially recognised for this purpose. [5g] They receive government subsidies for their activities. [50b] (p6)

**6.110** In an interview of 9 July 2001 Mme Flici stated that asylum requests by ONVT members are rarely justified now and that only certain specific categories such as important political militants could encounter problems. [50a] (p1) Mme Flici stated that ONVT members are mainly widows, grown-up children and parents of those who have died. [50a] (p1) In a further interview in 2002 she also stated that after the organisation changed its name only ONVT membership cards were valid. [50b] (p5) She also stated that only private individuals who have been victims of the armed insurgents are allowed to be members of the ONVT. [50b] (p5)

**6.111** With regard to attestations, Mme Flici also stated that the ONVT never issues certificates, except occasionally to help people who want to travel. [50b] (p5) Mme Flici also stressed that the ONVT never issued attestations. [50b] (p6) The ONVT is not legally entitled to deliver attestations to individuals. [50b] (p6)

**6.112** It appears that there are many false documents - cards and attestations - in existence. [50b] (p4) Some are allegedly sold from within the ONVT itself, and there is also a large black market in forged ONVT and ONVITAD documents. [50b] (p4,5-6) During an extraordinary conference of ONVITAD in December 2002, Mme Tounsi claimed that one of the major problems facing the victims of armed groups is the commerce of false identity cards. [5g]

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**6.113 International NGOs** USSD for 2003 reported that the government has allowed some visits by international NGOs in the past year and delayed, or failed to agree to visa requests, from several others, following reports perceived to be critical of the government. [6c] (p13) USSD reported "During the year, AI was allowed to visit the country from February 15 to March 3, its first visit since 2000. . . . HRW made several visa requests throughout the year to no avail and was forced to send an affiliated Tunisian lawyer, to observe the trial of Salaheddine Sidhoum and meet with local NGO groups. . . . Carnegie [Endowment for International Peace] was able to visit in March. After several requests, Freedom House was issued visas in October and visited the country in December. The ICRC has established a permanent office in Algiers in 2002." [6c] (p13)

**6.114 Human rights activists** International human rights groups have drawn attention to the arrest, detention and harassment by government authorities of a number of human rights activists in Algeria. [26b] (p1) [27a] (p5) [29] (p3)

**6.115** USSD for 2003 stated that "A number of domestic and international human rights groups operated without government interference, investigating and publishing their findings on human rights cases. However, the Government continued to harass local NGOs. . . . Human rights groups reported harassment by government authorities in the form of obvious surveillance and monitoring of telephone service, arbitrary detention, questionable and repeated police summonses, and false arrest." [6c] (p13)

**6.116** International human right organisations also drew attention to cases where human rights activists had been harassed and intimidated. [26b] (p1) [27a] (p5) [29] (p3) These included Mohamed Smain, the President of the LADDH branch in Relizane, who was sentenced In February 2002 to one year in prison on charges of defamation, after raising questions related to the state's involvement in serious human rights violations. [26b] (p3) [27a] (p5) USSD for 2003 also reported that "On September 13, Mohamed Smain, President of LADH, was summoned to the local police precinct and arrested without charge. The presiding judge dismissed the court case the following day. . . . Smain was granted "provisional liberty" while the Supreme Court reviewed his case." [6c] (p13)

**6.117** AI, HRW and Freedom House also reported the case of Abderrahmane Khelil. [26b] (p3) [27a] (p6) [29] (p3) Freedom House Report 2003 stated "Abderrahmane Khelil, a leading official of SOS Disparus, which represents families of the disappeared, was arrested three different times in 2002 and received a six-month suspended sentence in May." [29] (p3) AI also reported the case of Salaheddine Sidhoum, who was acquitted in October 2003,

following a 1997 in absentia conviction on charges relating to “acts of subversion and terrorism” and sentenced to twenty years imprisonment. [26d]

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**6.118 Political Activists - FIS** The FIS party remains proscribed since the events of 1992.

[1] (p215) [6c] (p5) [12] (p49) A country report dated January 2003 by the Netherlands authorities stated “Although most former FIS members live abroad, there are still a number of former FIS officials, including some of the founders of FIS, in Algeria.” [12] (p49) The same report stated “The fact that someone is in any way involved with the FIS does not provide grounds for criminal or extra-judicial prosecution of that person by the authorities. This applies to the entire spectrum of former party leaders including the sympathisers. Several former FIS members are represented in various parties in parliament.” [12] (p49) A country report of March 2003 by the Canadian authorities postulated that as the Algerian authorities have regained control the need for extreme measures has lessened. [11] (p7)

**6.119** In a report on the legislative elections of May 2002 by International Crisis Group (ICG) it was stated that “During the campaign both Adani and Djaballah [leaders of MRN/al-Islah and Ennadha parties] competed for support of former FIS members, and both openly admitted that as much as 25% of their party ranks were former FIS activists.” [37b] (p7-8)

**6.120** AI noted in June 2003 “Members or sympathizers of the banned Front islamique du salut (FIS), Islamic Salvation Front, as well as members of their families remain vulnerable to human rights abuses. However, it is not always clear whether the abuses are being committed against individuals on account of their association with the FIS or for other reasons.” [26a] (p18)

**6.121** Two founding members of FIS who were imprisoned in 1991 were released in July 2003 on completion of their sentences. [1] (p177) They are still subject to restrictions on political activity. [1] (p177) In October 2000 Abdelaziz Belkhadem, an Islamist conservative known for his sympathy to the FIS, was appointed to the Algerian government as Minister of State for Foreign Affairs. [7e] (p14148)

**6.122** However, at a country information seminar in June 2001 organised by UNHCR/ACCORD one of the speakers considered that “FIS members might still be at risk in Algeria; they can be targeted either by the Government or the GIA. Persons who are suspected to be FIS or AIS sympathisers would be detained, probably they would be tortured and requested to work as informers.” [28] (p16) also [8aK] USSD for 2003 stated that “Defense lawyers for members of the banned FIS suffered harassment, death threats, and arrest. An unknown number of persons who could be considered political prisoners were serving prison sentences because of their sympathies with Islamist groups and membership in the FIS.” [6c] (p6-7)

See also Section 5 State Structures Political System and Annex B Political Organisations - FIS

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## **Employment Rights And Trade Unions**

**6.123 Employment Rights** USSD for 2003 reported that “Forced or bonded labor is incompatible with the Constitution’s provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or bonded labor by children; while the Government generally enforces the ban effectively, armed groups reportedly kidnap young women and girls, hold them captive for weeks at a time, during which group members rape

them and force them into servitude.” [6c] (p16)

**6.124** USSD also reported that “The minimum age for employment is 16 years.” [6c] (p17) However, this is not generally effectively enforced. [6c] (p17) See Section 6b Child Labour

**6.125** USSD also reported that “The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The monthly minimum wage is insufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately \$105 (8,000 dinars) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, their enforcement was inconsistent.” [6c] (p16) Also “There were well-developed occupation and health regulations codified in the law, but government inspectors did not enforce these regulations effectively.” [6c] (p16)

**6.126 Trade Unions** USSD for 2003 stated that “About two-thirds of the labor force belonged to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities. . . . [However] attempts from new unions to form federations or confederations have been obstructed by delaying administrative maneuvers. The Autonomous Unions Confederation (CSA) has attempted since early 1996 to organize the autonomous unions, but without success. The CSA continued to function without official status.” [6c] (p15)

**6.127** The same report noted “Workers are required to obtain government approval to establish a union, and the Government may invalidate a union’s legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals or the laws or regulations in force. There were no legal restrictions on a worker’s right to join a union.” [6c] (p15) Also, “The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace. . . . The courts were empowered to dissolve unions that engaged in illegal activities.” [6c] (p16)

**6.128** The International Confederation of Free Trade Unions (ICFTU) Report 2003 stated “The National Autonomous Union of Public Administration Staff (SNAPAP), reports that its members have regularly faced harassment and persecution since the 1992 coup d’état. Two applications to form a national confederation have been opposed by the government. They have also been prevented from setting up branch unions, notably in hospitals. Organising has also been obstructed through the use of sanctions, threats and dismissals in local administrations, in the water sector, public works, customs and in civil defence. Member unions have also frequently been prevented from holding general assemblies.” [41a]

**6.129** The ICFTU report also stated “The authorities have obstructed the registration of other unions, by simply refusing to acknowledge receipt of their registration application. . . . The smaller, independent unions face problems because they do not usually represent over 20% of workers in an enterprise.” [41a]

**6.130 Strikes** The USSD report for 2003 stated “The law provides that all public demonstrations, protests, and strikes must receive government authorization prior to

commencement. During the year, strikes and gatherings occurred throughout the year in various sectors including a 2-day general strike all over the country with no government or security forces retaliations.” [6c] (p15)

**6.131** The ICFTU 2003 report stated “A strike may only be held after a 14-day period of compulsory mediation, conciliation or arbitration. The government can prohibit a strike if it feels it may cause a serious economic crisis. A minimum level of public services must be maintained during public sector service strikes. Under the State of Emergency decreed in 1992, any action taken with the intention of either obstructing the operation of establishments providing a public service or impeding traffic or freedom of movement in public places may be considered a subversive or terrorist act, liable to a penalty of up to 20 years’ imprisonment.” [41a]

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## **Freedom Of Movement**

**6.132** A country report by the Netherlands authorities dated January 2003 stated that “The Constitution guarantees the freedom to travel within Algeria, to leave the country or to emigrate.” [12] (p38) USSD for 2003 also stated that “The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricted these rights.” [6c] (p11)

**6.133** USSD also reported that “The police and the communal guards operated checkpoints throughout the country.” and “Armed groups intercepted citizens at false roadblocks, often using stolen police uniforms and equipment, in various regions to rob them of their cash and vehicles. On occasion, armed groups killed groups of civilian passengers at these roadblocks.” [6c] (p11)

**6.134 Entry and Exit** The Netherlands report stated “The security checks at airports and in the ports, as well as at official border crossings are strict. When travelling into or out of Algeria, one needs to fill out a form at the border, which includes questions about personal data and one’s destination. On flights to Algiers, such a form is already handed out during the flight. Furthermore, male citizens who are of military age have to show a form, which demonstrates that they have been granted deferment, or have already fulfilled their military service.” [12] (p39) A country report by the Swedish authorities of March 2003 stated “The only country to which an Algerian may travel without a visa is Tunisia.” [13] (p14)

**6.135 Illegal Departure** The Netherlands country report stated:

“There is no penalty attached to illegally leaving the country in the Algerian criminal code. However, there is a maximum penalty of two years’ imprisonment or 100,000 Dinar (approximately €1,280) attached to travelling on a plane without a valid travel document in accordance with the Civil Aviation Act. However, in practice, this article is rarely enacted. The Code Maritime attaches a maximum penalty of five years’ imprisonment or 50,000 Dinar (approximately €640) to illegally embarking to sail on board as a stowaway. Still, criminal proceedings will only be instituted if the person concerned is caught red-handed and not if the person concerned at a later time returns from abroad after having successfully and illegally left the country. In addition, an illegal stay abroad is not punishable by Algerian law. Nevertheless, people who return to Algeria after illegally leaving the country are questioned by the security forces at the border about the reason for their illegal exit and their illegal stay abroad. There are no known cases of ill-treatment or torture during these interrogations.” [12] (p39)

**6.136 Official Documents** A Swedish report of March 2003 stated "Documents are normally issued in Arabic but may be obtained in a French version. In the latter case the document is stamped "valable uniquement pour l'étranger" to state that it is only valid abroad." [13] (p14)

**6.137 Identity Card** The country report from the Netherlands authorities noted that "Identity cards are issued by the provincial authorities [wilaya] after submission of the birth certificates of the person concerned, the father of the person concerned and the grandfather of the person concerned and a declaration of residence (certificat de residence, to be obtained from the municipality). The cards are entirely drawn up in Arabic, light green of colour and valid for ten years. Each citizen who is older than 18 must carry this card on their person at all times." [12] (p13)

**6.138** The report by the Swedish authorities stated "Citizens over 18 years of age require an identity card. The identity card is green and can be folded. The information is in Arabic, apart from the bearer's name which is also written in Latin letters. The figures are Western. The bearer's fingerprint is on the card. It is a requirement that an identity card can be shown in the innumerable police checks that are carried out, which means that the country's inhabitants always carry it with them. Identity cards are valid for ten years. There is no specific registration number for each citizen." [13] (p14)

**6.139 Birth Certificate** Two reports state that Algerian birth certificates - acte de naissance - are issued by the local authorities. [8as] [13] (p15) The report by the Netherlands authorities stated "Each municipality has a Registry Office (état civil), where certificates for births, marriages and deaths are registered. Here, the person concerned or a relative of the person concerned can apply for an excerpt from the Registry. This excerpt is called Extrait de l'acte de naissance, (excerpt from the Registry of Births or birth certificate)." [13] (p12)

**6.140** A report by the Canadian authorities based on information from the Algerian consulate in Ottawa stated that the size of birth certificates is 21cm by 27cm, or 21cm by 29.7cm, with only a few slight variations, according to the local authorities, which issue these documents. [8as] Individual and family documents are usually 13.5cm by 21cm, with a few slight variations. [8as] Birth certificates and individual and family documents are usually printed on vellum paper in light type. Sometimes if it is impossible to obtain this type of paper in the local authority, another type could be used. [8as]

**6.141 Family Book** A report by the Swedish authorities stated "Civil marriage must be entered into in order to receive a family book. The document facilitates, for example, registration of children at school. If one has a family book, one can also obtain a birth certificate, (la fiche individuelle) with information regarding an individual or la fiche d'état civile familiale regarding the whole nuclear family, from any local authority. Otherwise, one has to apply to the local authority of one's birth in order to obtain documents concerning one's civil status." [13] (p15)

**6.142 Passports** A country report by the Netherlands authorities stated that "In order to obtain a passport, one needs to submit the birth certificates of oneself, one's father and grandfather, and a certificate of residence (certificat de residence, which can be obtained from the municipality) to the provincial authorities, after which one receives the passport

within two days to two weeks. A passport is valid for five years and can be extended.” [12] (p39)

**6.143** A report from the Canadian authorities of April 2002 stated:

“According to information provided under the title "Practical Information" on the Wanadoo Algeria internet site, a first request for an Algerian passport must be accompanied by an original birth certificate extract, father's birth certificate, certificate of residence, employment evidence, business registration or student certificate, six photographs, fiscal duty stamps of 2000 dinars and 4000 dinars, permission to travel for those under age 19, military card and marriage deed from the local authority (2 April 2002). Algerian passports are valid for 5 years (ibid.). According to information on the internet site of the Algerian Embassy in Ottawa, requirements for renewing an Algerian passport are as follows: consular registration card, former passport, four recent photographs, cheque or postal order for 95\$, and the form provided by the consular service duly completed (25 January 2002).” [8ar]

**6.144** At a country information seminar in June 2001 organised by UNHCR/ACCORD it was stated that “It is not difficult nowadays to obtain a passport. One has to produce a birth certificate and then it takes two days to two weeks to be issued the passport. There were some forged passports in the early 90s. A new format was introduced in 1996, so that they are now smaller and are supposed to have a special stamp across the picture.” [28] (p22)

**6.145 Children’s passports** A report by the Swedish authorities stated that “Both parents may have the children registered in their passport at the same time. After a divorce, the mother receives actual custody and the father legal custody of the children when they are small. When the mother wants to travel abroad with the children, she must accordingly have a certificate that the father consents to travel abroad (l'autorisation paternelle) with a photograph of the children. She must have two copies, of which one is handed over upon departure and the other upon entry. In September 2002 a decree was issued that if the mother is resident abroad, the father’s permission is not required for departure with the children.” [13] (p15)

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## 6.B. Human Rights - Specific Groups

### Ethnic Groups

#### The Berbers

**6.146** The Berbers are the major ethnic minority in Algeria and comprise a little over one quarter of the population - 7 million people. [3] (p1)[24a] (p13) The Berbers are concentrated mainly in the mountainous areas of Kabylia, Chaouia, the Mzab and the Sahara. They are the indigenous inhabitants of the North African littoral. [3] (p1) The majority of Algerians are of Berber descent, although as a result of centuries of integration the two main ethnic groups of Arab and Berber have become increasingly indistinguishable. [11] (p14) [66b] (p4)

**6.147 Berber Language and Culture** The Berbers wish to keep their own culture, and their languages, the principal one being usually referred to as Tamazight. [4] The majority of Berber speaking people are found in the Kabylia area. [3] (p1) [14h] Other Berber dialects exist in rural areas. [3] (p1) [4] The languages are primarily oral, although there are written forms. [14h] The National Charter of 1996 recognised the Berber culture and language as one of the components of Algerian identity. [1] (p212) In April 2002 the constitution was

amended to recognise Tamazight as a national language. [1] (p173) [7] (p14811) However, the 1996 legislation on Arabisation requires that Arabic be the official language for public business, including official documents. [8x] [12] (p50)

**6.148** Tamazight is taught at a number of primary schools in the Kabylia area. [12] (p50) In July 2003 the Government announced a decision to enhance the teaching of Tamazight in the national education system. [60a] [67b] There is a university chair for Tamazight. [12] (p50) [28] (p18) It was also announced in August 2003 that a national centre would be set up to promote the Berber language. [59c] There is a 'Haut Commissariat à l'Amazighité' under the Ministry of Communication and Culture which organised, among other things, a Berber film festival in September 2002. [12] (p50)

**6.149** Newspapers and periodicals appear in the Berber language and the government-owned national television station broadcasts a brief nightly news programme in Tamazight. [6c] (p7) [12] (p50) [13] (p12) [28] (p18) In the Kabylia area, many television shows and documentaries are shown in Tamazight. [11] (p14) There is a Berber television channel based in France. [12] (p34)

**6.150 Berber Groups** The Mouvement Cultural Berbère (Berber Cultural Movement) (MCB) was founded in 1976 and is not so much a political party as a pressure group for Berber issues. [24a] (p8) It is engaged in efforts to promote the Berber language and identity. Each April the MCB organises demonstrations in Kabylie towns to commemorate the "Berber Spring" when a number of students were killed in demonstrations in Tizi Ouzou in 1980. [24a] (p8)

**6.151** The two main Berber parties, the FFS and the RCD are legal parties. [28] (p18) The Kabylia-based RCD and FFS parties have largely Berber membership. [6c] (p11) [12] (p11) There is rivalry between the two parties. [12] (p11) RCD members were part of the government until they withdrew in May 2001 in protest at the government's handling of protests in Kabylia (see below). [1] (p172) Mouvement pour l'Autonomie Kabylie (MAK) led by Ferhat Mehenni is a minor party that advocates an autonomous Kabylia. [12] (p50) A report by the International Crisis group in June 2003 stated that the MAK, although supported outside Algeria, was not popular in Kabylia, and that it had been used by the authorities to divert attention from the demands of the protest movement. [37c] (p24)

**6.152 Treatment of Berbers** Berbers hold high office in the government, army, police, business, and journalism. [11] (p14) [12] (p50) [28] (p18) The current prime minister, Ahmed Ouyahia, is a Kabyle. [1] (p177) The MCB was quite unequivocal in stating in 2001 that Berbers were not persecuted in Algeria and that anyone claiming so is doing it merely to advance his own interests. [11] (p14) UNHCR have recognised Berber aspirations for recognition of their identity and culture but stated in 1997 that Algeria's population is ethnically mixed and ethnic minorities seem to fear no more and no less than other Algerians. [24b] The ICG reported in June 2003 that "The Kabyles are not generally discriminated against in public life on the basis of their identity, and their preoccupation with the issue [of identity] has other causes." [37c] (p5)

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**6.153 Events of 2001 - 2004 in Kabylia** From April 2001 there were a series of protest demonstrations and strikes in this largely Berber area. Up to eighty people were killed in riots immediately following the death of a young man, Massinissa Guermah, in police custody. [1] (p172) [29] (p1) [37c] (p8) The security forces reportedly used excessive force



throughout the region against the protestors. [1] (p172) [12] (p16) [37c] (p8) Demonstrations and riots quickly spread in reaction in Kabylia and other parts of the country, with further deaths. [1] (p172) [7i] (p14395) [29] (p1) Protests occurred in forty out of the forty-eight provinces of Algeria in the following months. [12] (p16)

**6.154** The demonstrations were seen by observers as having stemmed initially from the security forces mishandling of the immediate situation in Kabylia in April 2001. However, they ignited further protests over the traditional Berber agitation for language and cultural recognition, and encompassed wider expressions of anger and despair over poverty, unemployment and lack of housing, hostility towards abuses of power by the gendarmerie, and the perceived failure of the regime to deal with these issues. [1] (p172) [7i] (p14395-6) [29] (p1) See also Section 3 Economy

**6.155** A report by the International Crisis Group (ICG) in June 2003 analysed the situation in Kabylia. [37c] The report noted that the protests that started in 2001 were about local government failings and socio-economic grievances and that they have continued so long in Kabylia as opposed to other parts of Algeria because of the specific conditions there. [37c] (p3-7) The report stated the principal complaint of the rioters of 2001 in Kabylia and elsewhere in Algeria was the contempt they receive at the hands of authority (hogra) who abuse their power with impunity. [37c] (p12) The report also noted that since the advent of pluralism in 1989 substantial practical concessions have been made to acknowledge the separate Berber identity of Algeria. However, although the Algerian Government has made concessions it has not handled the issues well. [37c] (p5)

**6.156 El Kseur** In June 2001 the Berber leaders produced a list of fifteen demands concerning their grievances, known as the “El Kseur platform”. [12] (p17) These included official recognition of the Berber language, and judicial trials for paramilitary policemen involved in killing unarmed civilians in April and May, and compensation of the victims for the behaviour of the authorities during the protest marches. [12] (p17) [37c] (Appx C)

**6.157 Issad Report** In July 2001 the provisional report by an independent commission chaired by a well known Kabyle lawyer, Professor Mohand Issad, held the gendarmerie mainly responsible for the violence of April 2001 and the following months. [1] (p173) [37c] (p9) It stated the violence was provoked and kept going by the gendarmes, also that their behaviour must have resulted from the Commanders loss of control of his troops, or was the product of interference with the chain of command. [1] (p173) [37c] (p9)

**6.158** Speaking shortly before the report was issued, the head of the security forces acknowledged the need for improvements in the police force and said these would be addressed. [67a] Also, according to The Middle East and North Africa 2004 50<sup>th</sup> Edition, “Earlier the heads of the gendarmerie and civil police, as well as the Ministry of the Interior, had admitted the existence of abuse in the Kabylie but denied that it was systematic and widespread.” [1] (p173)

**6.159 Organisation of the protests** Much of the local organisation was provided initially through the traditional village committees, (aarch or aarouche), which rejected local officials, politicians and police. [1] (p173) They were formed into regional groups - the main ones reportedly were the Coordination des Aarouch, Dairas et Communes (CADC) which coordinated local committees in the Tizi Ouzou area; the Coordination Intercommunale de Béjaia (CICB) in and around the city of Béjaia; and the Coordination des Comites Citoyens

de la Wilaya de Bouira (CCCWB). [12] (p17) [37c] (p13)

**6.160** ICG reported that these three bodies, together with their counterparts from the peripheral wilayats established an umbrella body called the Coordination Interwilayas des 'aarch, dairas et communes (CIADC) and that it was this latter body that drew up the movement's platform at El Kseur. [37c] (p13) The ICG report stated that the Coordinations were political mobilisations whose structures were based on a traditional tribal system. However it was misleading to call the protest movement the aarch and regard them as traditional. [37c] (p14-15)

**6.161** Several opposition parties also took part in the various protests and demonstrations, including the FFS, RCD, MDC and PT, and also women's groups. [1] (p173) The RCD, the mainly pro-government Berber political party, withdrew from the Government in protest in May 2001 at its handling of the riots. [1] (p172) The ICG report in 2003 stated that the FFS and RCD were taken by surprise in 2001 and were unable to represent the popular protests. [37c] (p26) They have since sought to regain this lost ground. [37c] (p26-29)

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**6.162 2002** In March 2002 the President announced a number of measures, addressing some of the El Kseur demands. These included the adoption of the Berber language as a national (but not official) language, and compensation for victims of the violence. The President did not agree to one of the El Kseur demands - the withdrawal of gendarme units from the area - saying that this was impractical. [1] (p174)

**6.163** The President also stated that twenty-four gendarme agents and five police officers had been charged with homicide or improper use of their firearms and that their trials would be open. [1] (p174) According to HRW, "However, in the months following this strong statement, it was possible to verify only two or three cases where security force agents had been brought to trial. These included the October 29 conviction by a military court of gendarme Merabet Mestari. Merabet was sentenced to two years in prison for involuntary homicide in the killing of student Massinissa Guermah, the incident that triggered months of protests in the Kabylie in 2001." [27a] (p2-3) also [26c] (p21-22) [56b]

**6.164** Voting in the May 2002 legislative elections and the October 2002 local elections was widely boycotted in Kabylia. [1] (p175-6) [71] (p14889-90) [70] (p15000) [70] (p15039) Both the RCD and FFS parties refused to participate in the May election. [1] (p175) [71] (p14889-90) However the FFS took part in the October election. [70] (p15000)

**6.165** Protests were made in response to the arrest and detention in October 2002 of coordination leaders who had organised protests. [1] (p176) [70] (p15039) In December six of the group, including Belaid Abrika, a CADC leader, and five of his associates began a hunger strike. [1] (p176) This ended in mid-January 2003 when it became clear that the authorities would not release them. [1] (p176) An indefinite general strike due to take place in January 2003 was abandoned owing to lack of support and it was reported that the people of Kabylia were weary of the conflict. [1] (p176)

**6.166 2003** In April 2003 thousands of Berbers took part in a mass demonstration to mark the anniversary of the Berber Spring and the protests of April 2001, and to support the prisoners. [7q] (p15270) A one day general strike also took place in April 2003. [7q] (p15270)

**6.167** In June 2003, after the release of the leaders who had been imprisoned since the

previous year for taking part in protests, the Coordinations reportedly decided to agree to negotiate with the government about the El Kseur demands. [1] (p177) The previous position taken by the coordinations that all the El Kseur demands were not negotiable had reportedly led to entrenched positions between the groups and the government, and the aarch movement had developed internal dissension and lost popular support. [37c] (p20-24, 31) The ICG reported that the power of the Coordinations had declined since 2001 and its intransigent line had led it to clash with important elements of public opinion in the region at the expense of the massive support it had originally mobilised. [37c] (p 24,26-7)

**6.168** In August 2003 it was reported that the government and the citizens movement had agreed to hold a dialogue and the government announced that it had agreed to one of the El Kseur demands, the inclusion of the Tamazight language in the national educational system. [7r] (p15409, 15427)

**6.169 2004** In January 2004 the Prime Minister announced after the talks that the government would study five of the six points in the El Kseur list which were said to have been key in sparking the crisis. [7w] (p15588) He also announced that the results of the two elections in 2002 would be set aside in areas that did not participate normally in these polls. [7w] (p15589) Also in January the leader of the RCD party, Said Sadi announced that he would be a candidate in the presidential elections due in April 2004. [7w] (p15589)

**6.170** However, the talks were reportedly suspended shortly afterwards due to a disagreement over the status of Tamazight and the question of a referendum on the subject. The Berber leaders reportedly threatened to resume street protests and disrupt the Presidential election. [60d] As the election drew near it appeared that the Berber leadership in Kabylia was divided over whether to boycott the poll. [59i]

**6.171 Tuaregs** The Tuaregs are nomadic Berbers. [3] (p394) The 12,000 Tuaregs live almost exclusively among the mountainous massifs of Ajjer and Ahaggar in southern Algeria. [3] (p394) USSD for 2003 reported that "The Tuaregs, a nomadic people of Amazigh origin, played an important role in politics despite their small numbers, particularly in the South and along the border regions where they remained the dominant ethnic group. During the year, President Bouteflika appointed a Tuareg to the Council of the Nation." [6c] (p12)

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## Women

**6.172 Legal and Social Situation** Since 1996, Algeria has been a party to the UN Women's Treaty (CEDAW) on the banning of all forms of discrimination against women. [25a] (p1-2) The Constitution outlaws discrimination based on race, sex, or belief. [1] (p212) However women face legal and social discrimination - parts of the law, as well as tradition, discriminate against women. [6b] (p2) [6c] (p15) [11] (p15) [12] (p51) [13] (p9) [25b] (p20) [27a] (p5) [42] (p3-4)

**6.173** The issue of amending the Family Code has been under discussion in Algeria for several years. [12] (p51) [25b] (p21) In October 2003 the government set up a commission to revise the 1984 Family Code. [7u] USSD for 2003 reported that "A cabinet level position dedicated to women and children has existed since 2002." [6c] (p14) The present Family Code is based largely on Islamic Shariah law, and treats women as minors under the guardianship of a husband or male relative. [6b] (p2) [6c] (p15) [11] (p14) [12] (p51) [42] (p4)

**6.174** Under the Family Code the decision to marry is taken on behalf of women by their legal guardians as a woman must have their permission to marry. [6b] (p2) [12] (p51) [25a] (p18)

[25b] (p20) [42] (p4) Girls may also be married in a religious ceremony when they reach puberty. Arranged marriages are usually religious. [13] (p9) The Family Code also authorises polygamy without the consent of the existing wives. [25b] (p20) [42] (p4) although according to the USSD report this rarely occurs in practice. [6c] (p17)

**6.175** The UN Special Rapporteur reported in January 2003 “Article 39 of the Code requires wives to obey their husbands and show them due deference as the head of the family, and to respect the husband’s relatives and close friends, while they themselves are not entitled to any respect and no legislation will protect them from domestic violence.” [25b] p 20-21)

**6.176** USSD for Religious Freedom reported that the Family Code limits a woman’s ability to obtain a divorce. [6b] (p2) The Family Code sets out seven codified reasons for divorce for women, such as abandonment, or the husband’s conviction for serious crime. [6b] (p2) [42] (p4) Occasionally a woman can purchase a divorce. [6b] (p2) [42] (p2) Men can obtain divorce without limitation or legal proof and have the right to repudiate their wives. [6b] (p2) [12] (p51) [25b] (p21) [42] (p4)

**6.177** A report by the Canadian authorities in 2001 stated that “He [the husband] can also turn his wife and children out of the home with impunity, leaving them no legal recourse in relation to his house or income.” [11] (p15) A report in 2002 by the Council of Europe Committee on Equal Opportunities for Women and Men stated “Divorce puts women in a disastrous position, financially and otherwise. This is where the Family Code is most harmful and unfair to women. The marital home goes to the man after a divorce even if the mother is given custody of the children. Women who try to go back to their father’s home with their children are generally rejected. If they have no other guardian to look after them, they have the right to a house provided by their former husband only if he can afford it.” [42] (p5) The Canadian report noted that there has been an increase in such cases, especially among uneducated and unskilled women from small towns and villages, due to social tensions arising from unemployment and poor housing. [8ao] [11] (p15) [42] (p4)

**6.178** The husband is legally the head of family and only he can pass his citizenship to their offspring. [6b] (p2) [6c] (p14) In divorce cases custody of children is normally granted to women but they remain dependent on the approval of the father for several aspects of their upbringing. [6b] (p2) [6c] (p14) Abortion is illegal and women’s rights groups are pressing for it to be legalised. [42] (p4, 15)

**6.179** The USSD report for 2003 stated that “Under the Family Code Muslim women are prevented from marrying non-Muslims, although this regulation was not always enforced. The code does not restrict Muslim men from marrying non-Muslim women.” [6c] (p14) Non-Muslim women married to Algerian Muslim men face societal pressure over maintaining their religion. [25b] (p15) The children of such marriages are automatically registered as Muslims. [25b] (p15)

**6.180** Under the Family Code women also suffer discrimination in inheritance claims. [6b] (p3) [12] (p51) [25b] (p21) [42] (p5) Women under nineteen years of age may not travel abroad without the permission of a male legal guardian. [6b] (p3) [6c] (p14) Women living in Algerian families abroad may still be subject to the Family Code. [25b] (p20) [42] (p6)

**6.181** The abuse of wives by their husbands is reported to occur. [6c] (p13) [12] (p52) USSD for 2003 reported:

“Women's rights advocates assert that spousal abuse was common, but there were no reliable statistics regarding its extent. Spousal abuse was more frequent in rural than urban areas and among less-educated persons. Rape also occurred. There are no specific laws against spousal rape. Rape is illegal, and in principle, a spouse could be charged under the law. However, there are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were no reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. However, because of societal pressures, women frequently were reluctant to endure this process. There were few facilities offering safe haven for abused women. Two prominent associations for women that have received recognition by the Government and international community are SOS Femme en Detresse and SOS Femme Batus. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There were several rape-crisis centers run by women's groups, but they had few resources.” [6c] (p 13)

**6.182** Unemployment and housing shortages have forced more young men unable to support a family to remain unmarried, which means more young women are living at home longer, putting pressure on their families and exacerbating social tensions. [8a0] [11] (p15) [13] (p9) [60b]

**6.183** A report by the Netherlands authorities in 2003 stated that “With regard to the position of women in Algeria, there is a big difference between the urban culture and the culture in the countryside. A western lifestyle is completely accepted in the big cities. However, in the countryside, this lifestyle can encounter social resistance, which can result in revenge of honour and murder in the name of honour. It happens regularly in the countryside that women become the victim of kidnappings, rapes or forced marriages.” [12] (p52) A report in 2003 by the Swedish authorities stated “Murders for the sake of honour occur in rural areas but are very rare. They constitute an extenuating circumstance and result in shorter sentences.” [13] (p10)

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**6.184 Lone Women** A report by the Netherlands authorities in 2003 stated that “Single women are able to support themselves without the help of the family, provided they can find a job. The NGO SOS Femmes en Détresse offers small-scale vocational training courses for single women to enable them to support themselves.” [12] (p52)

**6.185** A report by the Canadian authorities in February 2002 stated “[Furthermore,] a woman living on her own would face social pressure for either pursuing higher education or a career: women constitute only eight per cent of the work force.” [8a0] Another report of a country information seminar in 2001 stated “A pregnant unmarried woman going back to urban areas may survive, but in rural areas a woman with a child born out of wedlock would face great difficulties. The issue of honour crimes in the Muslim world has to be taken into consideration in this context. She might face violence not from armed groups, but from her family or the local community.” [28] (p18) A report by the Swedish authorities in 2003 stated “An unmarried mother is an outcast, as is her child, who may not bear the father's surname. They have no right of inheritance. The father's family accepts that he abandons the woman and child.” [13] (p10)

**6.186 NGOs** There are a number of humanitarian, political and women's rights

organisations. [6c] (p14) [11] (p15) [12] (p33, 52) [13] (p10) USSD for 2003 reported that “Two prominent associations that have received government recognition are SOS Femmes en Détresse and SOS Femmes Battus.” [6c] (p13) Many campaign for amendment of the Family Code. [6c] (p14)[12] (p51) [42] (p5)

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**6.187 Education and Employment** Women have higher rates of illiteracy than men, especially in rural areas. [6c] (p14) [25b] (p20) [42] (p4) USSD for 2003 reported that “Social pressure against women pursuing higher education or a career was greater in rural areas than in major urban areas. Women made up more than half of the university student population; however, women constituted only 10 percent of the work force.” [6c] (p14) Quest Economics Database Country Profile of September 2003 stated that “The government has encouraged girls to attend school to reduce the difference in literacy rates. A total of 86% of girls are now educated to primary level and 53% to secondary level.” [66b]

**6.188** USSD for 2003 stated that “Despite legal provisions and regulations providing equality between men and women, in practice women still face discrimination in employment resulting from societal stereotypes. Leaders of women's organizations report that discriminatory violations are common. Labor Ministry inspectors did little to enforce the law.” [6c] (p14)

**6.189** The Council of Europe report on Maghrebi Women in 2002 stated with regard to Algeria “The right to work, enshrined in the Constitution, is, however, undermined by husbands’ powers to prevent their wives from working and there is a striking difference between the number of men and women in employment. Of the several million women who are old enough to work, only about 610,000 are actually gainfully employed (13.2% of the potential female labour force). For economic as well as sociological reasons (the overall unemployment rate is approaching 30%), women account for less than 5% of the working population. In addition, female employment rates vary a great deal from region to region, with a very clear disparity between town and country.” [42] (p5)

**6.190** Several reports state, however, that women are involved in all walks of life and there is a relatively high proportion of women in the more highly qualified positions (teachers, lecturers, lawyers, doctors). [6c] (p14) [11] (p15) [12] (p52) [13] (p9) [25b] (p20) A report in 2003 by the Swedish authorities noted “Many [women] continue to work after getting married. Divorced women and widows also work.” [13] (p9)

**6.191** USSD for 2003 reported “[Nonetheless,] women may own businesses, enter into contracts, and pursue careers similar to men's careers.” [6c] (p14) The Council of Europe report on Maghrebi Women in 2002 stated with regard to Algeria “Working women are mostly teachers (they occupy 38% of teaching posts), health care workers (44.5% of posts), administrative employees (18%) and, to a lesser degree, middle managers (11.8%) or senior managers (7.2%). There are very few women in industry (11%), agriculture (3.8%) or commerce (4.6%) and practically no women in the police and armed forces.” [42] (p5)

**6.192** Women are also represented in public life. USSD for 2003 reported “About 25 percent of judges were women, a percentage that has been growing in recent years. At year's end, women headed 26 courts.” [6c] (p14) A report by the Netherlands authorities reported that in 2002 parliament had a few female members and there were five women

ministers (out of a total of forty ministers). [12] (p52) The leader of the Workers Party is Louisa Hanoune. [1] (p215) She was a candidature for President in the April 2004 election. [76a] A woman is on the National Executive Board of UGTA. [41b]

**6.193 Threat from Armed Groups** Women and children have been the main victims of violence by armed groups since the 1990s. [12] (p51) [26c] (p36) [42] (p6) The Council of Europe report on Maghrebi Women in 2002 stated with regard to Algeria "In the last nine years, armed groups acting under all manner of names have been guilty of huge violations of fundamental human rights including murder, indiscriminate attacks, abduction and rape of women, and massacres of civilian families or even whole villages. Some 3,500 girls and women have been raped by terrorist groups." [42] (p6)

**6.194** USSD for 2003 reported that "During the year, terrorists sometimes specifically targeted women. There were incidents of women and girls being kidnapped by terrorist groups for the purposes of rape and servitude during the year. One rape crisis center specializes in caring for women who are victims of rape by terrorists." [6c] (p13)

**6.195** AI reported in September 2003 "While abductions, torture and killings of male victims by armed groups appear to have become isolated cases, abductions and rape of women continue to be reported in the Algerian press, albeit at much lower levels than in the years preceding 1999." [26c] (p36) In the same report AI also stated "Women's organizations have complained that victims of rape by armed groups do not benefit from rehabilitation provided by the government, including medical, psychiatric and other post-traumatic counselling, nor from compensation which other victims of armed groups have been able to receive. Non-governmental organizations, such as the member organizations of the Wassila Network, offer medical and psychological assistance to a limited number of individuals, but do not have adequate resources to provide it to the hundreds of women and girls who need help." [26c] (p37)

**6.196** In the 1990s the GIA made death threats against specific categories of women including the wives of security force members and government officials, and those who wore western dress or pursued a western lifestyle. [24a] (p21) A country information seminar report in 2001 recorded "However their situation is less problematic now than it was in the mid-nineties." [28] (p17) In the streets of Algiers, many women can be seen wearing western clothing [11] (p16) and a western lifestyle is completely accepted. [12] (p51) Although such behaviour might encounter serious social resistance in rural areas [12] (p51) there are no recent reports of attacks being conducted on account of lifestyles that conflict with "Islamic values". [8av] See also UNHCR section

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## Children

**6.197 Legal and Social Situation** USSD for 2003 stated that "The Government is generally committed to the welfare, rights, health and education of children. The Government provides free education for children through the university system. More than 85 percent of children completed the ninth grade. Boys and girls generally received the same treatment in education, although girls were slightly more likely to drop out for financial reasons in rural areas. The girls were then sent to vocational training schools deemed more practical for their economic situation." [6c] (p14)

**6.198** A report by the Netherlands authorities issued in January 2003 set out the situation regarding the legal age of majority in Algeria: “The age for reaching adulthood varies depending on the legal framework that is applied. The minimum age for the application of the Criminal Code (Code Pénal) is nineteen. In accordance with art. 40 section 2 of the Algerian Civil Code (Code Civil), the age at which one reaches adulthood is also nineteen. Nevertheless, a minor can perform lawful acts under certain circumstances. . . . By virtue of the Code de Commerce, a minor of eighteen can conclude legal transactions; he/she can (in accordance with articles 5 and 6) legally acquire and mortgage immovable goods, provided he/she is authorised to do so by his/her parents and – failing them – by the judge. . . . The father is the legal guardian of his underage children. When he dies, the mother becomes the guardian (art. 87 of the Code de la Famille).” [12] (p54-5)

**6.199 Child Labour** USSD for 2003 stated that “The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF reported in 2003 that approximately 3 percent of children worked in some capacity. There was no child labor reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment. Many children work part time or full time in small workshops, in family farms, and in informal trade.” [6c] (p16-17) The USSD report also stated that the government prohibits forced and bonded labour by children. [6c] (p16)

**6.200 Violence Against Children** USSD reported that “Child abuse was a problem. However, a system for reporting actual or suspected child abuse existed nationwide in the country's school systems. Hospitals treat numerous child abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions. NGOs that specialized in care of children cited an increase in domestic violence aimed at children, which they attributed to the “culture of violence” developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Children often were the victims of terrorist attacks.” [6c] (p14)

**6.201** The annual medical report by the Algerian Ministry of Health in April 2003 stated, in the context of the national mental health programme, “The survey carried out by the INSP on psycho-traumatism linked to violence against the child led to noting that the situation of violence across the country during the 90s had serious repercussions on the mental health of children.” [22] (p4) AI reported “State programs of psychological rehabilitation for survivors are few and it is left to independent associations with poor resources to take on the few cases it can. One such organization is Chrysalide, a group working primarily on the rehabilitation of children who have been exposed to violence.” [26c] (p36) A report by the Netherlands authorities also stated “For children who are traumatised as a result of terrorist violence, UNICEF set up a special aid programme together with the Algerian government.” [12] (p55)

**6.202 Child Soldiers** Information from the website of The Coalition to Stop the Use of Child soldiers stated: “There are no indications of under-18s in the government armed forces, but there have been reports of child participation in paramilitary ‘Legitimate Defence’ groups. Armed opposition groups are widely reported to have children in their ranks.” [39] The report also stated “The Psychological Institute in Algiers has claimed that



young people fighting for the Islamist groups are not driven by religious motives but rather by frustration at broader economic and social problems.” [39]

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**6.203 Childcare Arrangements** A report by the Netherlands authorities reported the legal position for guardianship of children:

“The exercise of legal guardianship ceases to exist due to incapacity of the guardian, his death or the death of the minor, adulthood of the child, a legal ban or deprivation of parental rights. The underage child can be placed under the supervision of a (co-) testamentary guardian by his father or grandfather if the child loses its mother or if the incapacity of the mother has been established in the legally required manner (art. 92) [of Family Code]. The testamentary guardian has the same supervisory powers as the legal guardian. The mandate of the testamentary guardian ceases to exist when the minor or the guardian himself die, in the case of incapacity of the guardian, adulthood of the child, expiry of the time stipulated in the mandate, or justified cession and revocation if it can be proved that the exercise of guardianship threatens the interests of the minor.” [12] (p55)

**6.204** The Netherlands report also noted “It can be generally stated that the family in the broadest sense of the word will look after the fate of an orphaned minor. Nevertheless, government assumes responsibility for the care of minors up to nineteen, when family care is missing” [12] (p55) Further information from the Foreign and Commonwealth Office (FCO) in September 2002 was that “The decision to place a child in a home is made by the authorities concerned when they are abandoned at birth, or by the Infants Judge after an investigation into the situation of the infant.” [51]

**6.205** The Netherlands report noted that “For that purpose [care of children without family support], there are the necessary public but also private reception centres. There is a limited capacity, but the facilities on offer are considered to be generally acceptable according to local standards. The government institutions also accommodate young people who have come into contact with Justice.” [12] (p55) The Netherlands report referred to a UNICEF 1998 report: “ ‘There exist 23 institutions catering for the needs of children without parental care, 103 schools/centres providing educational services for children with mental and physical disabilities’ . [Psychological Rehabilitation of Traumatized Children, page 3. UNICEF Algiers, September 1998]” [12] (p55)

**6.206** The FCO information above also stated “Care homes for lone children are set up and run by the Government. They are regulated by the law, namely Executive Decree No 92-182 of 13 October 1992. Such care homes are intended to upkeep nurslings and only children below the upper limit of compulsory school attendance may be placed in such homes. They take boys and girls. A number of charities also run care homes, such as the Association Algérienne Enfance et Familles d'Accueil Benevolés. Algerian families often adopt young children from state and charity homes under the Kafala system of adoption under Islamic law. Kafala is widespread in Algeria. But in nearly all cases it concerns babies.” [51]

**6.207** The FCO information also stated “Older children who lack family support are placed in homes by court order or allocated to foster care. The fostering of children is regulated by the law, namely Ordinance No72-103 of 10 February 1972 relating to the Protection of Children and Youth. For the purposes of this law infants are defined as being under 21 years of age. The provisions of Ordinance No72-03 applies to those infants whose health,

security, morality or education are in danger. As a consequence they are placed under the protection of the State and the Infants Judge is empowered to take all necessary measures. He may decide, depending on the youth's situation, to place him in a specialised centre, a care home, or a vocational centre. He may also entrust a person with the care of the child.” [59]

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## Homosexuals

**6.208** A country report by the Canadian authorities in 2001 stated “Homosexuality is illegal under the Criminal Code in Algeria. However, an understanding of the situation requires more than just reading the law. It is important to see how it is applied. Reminiscent of the USA military’s policy of “don’t ask, don’t tell”, Algerian society tolerates homosexuality, provided it is not flaunted. Discretion is the key. Gay groups and transvestites have their favourite haunts and interact without problem, at least in major cities, but there would be no likelihood of holding a “gay pride” day in Algeria. The UNHCR representative in Algiers related that the Algerian state radio service had recently aired a program which involved a panel openly discussing the issue of homosexuality. He went on to say that he had not yet seen any case in which a gay person was prosecuted under the Criminal Code. Likewise, none of the other human rights organizations in Algeria made any mention of claims submitted to them in relation to sexual orientation.” [11] (p16)

**6.209** A report of a country information seminar in 2001 included the following information: “Art. 58 of the Algerian Penal Code provides a punishment of 2 months to 2 years for homosexuality. This sentence may be raised to three years if one of the partners is less than 18 years old. Although in Shar’ia law homosexuality is prohibited, this offence is rarely prosecuted in Algeria. Homosexuals are by and large tolerated. On 8 October 2000, the state owned radio Chaîne 3 broadcast a radio programme on homosexuality, with two psychologists and some homosexuals speaking about the issue and responses from the audience coming in. Nowadays it would be extremely unlikely for homosexuals to face persecution.” [28] (p22)

**6.210** Other reports contain similar information. A report by the Netherlands authorities issued in January 2003 stated “Homosexuality is tolerated in the Algerian society, especially in the cities, as long as it is not expressed very explicitly in public through behaviour and clothes. In the big cities, especially in Algiers, various meeting places for homosexuals can be found. People who openly admit their homosexual nature can experience bullying and intimidation by their social environment or members of the security forces.” [12] (p51)

**6.211** The World Legal Survey by the International Lesbian and Gay Association records that “According to Article 338 of the Penal Code (adopted June 8 1966) sodomy may be punished with imprisonment from two months to two years and a fine (500 - 2,000 Alg dinars. Sodomy upon a male person under 18 years may be punished with a sentence of up to three years and a fine of up to 10,000 dinars.”

**6.212** The same report also referred to: “Article 333: (law no 82.04 of 13.2.1982, J.O. No. 7) on an outrage to public decency: increase in penalties in the case of acts against nature with a member of the same sex: “When the outrage to public decency has consisted of an act against nature with an individual of the same sex, the penalty is imprisonment of between 6 months and 3 years, and a fine of between 1,000 and 10,000 Algerian Dinars.””

[30] A report by the Canadian authorities in 1995 also referred to these legal provisions. [8b]

**6.213** A report by AI in June 2003 stated that “Homosexuality is a taboo subject in Algeria, as it is in various other countries in North Africa and the Middle East. In practice, the shame associated with homosexuality means that few individuals openly reveal their sexual orientation. Homosexuals may suffer harassment from the security forces and society in general.” [26a] (p10)

**6.214** Another report from the Canadian authorities in 2002 stated that very little information could be found among the sources consulted about the treatment of homosexuals by Islamists in Algeria. However, a 1997 article in an underground European journal, *Al Djamaa*, reportedly stated that the GIA was killing homosexuals. [8aj]

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## 6.C. Human Rights - Other Issues

### UNHCR Guidelines On Algerian Asylum Seekers

**6.215** UNHCR has made various statements on the Algerian human rights situation in Algeria and asylum claims. Guidelines issued by UNHCR Geneva in November 1997 included the following:

- The authorities do not often target members of the more moderate Islamic parties such as Society of Peace (previously Hamas) and En-Nahda.
- Passive members or sympathisers of FIS are unlikely to be at risk of persecution. People who are known to be, or who are perceived as active FIS supporters could be at risk from the authorities.
- Individuals who have distributed radical Islamic literature may face problems, including imprisonment. [24b]

**6.216** UNHCR London issued further statements in a letter to the Home Office of 19 January 1998. [24c] The most recent authoritative update of UNHCR views was set out in a letter of 13 March 2000 to the Home Office. [24d] Following is a summary:

- Claims from Algerian asylum seekers are mainly based on one or more of the following reasons :-
  - Fear of persecution by the Algerian government
  - Fear of persecution by anti-Islamic groups
  - Fear of persecution by radical Islamic groups and,
  - Insecurity resulting from the situation of violence prevailing in the country;
- Claims exclusively based on the fear of becoming the victim of indiscriminate violence are not deemed sufficient to recognise refugee status;
- Given the nature and degree of violence in Algeria UNHCR has urged for the exercise of extreme caution in considering the return of rejected asylum cases to Algeria. However, it is important to note that UNHCR has not called for a general ban on deportation or for a positive group to be determined on a prima facie basis;
- Following are examples of categories that may be potential targets for persecution. A well-founded fear must be established on a case by case basis and there is no automatism that the following should be recognised as refugees. Membership or active support of a political movement that is targeted for persecution will provide good reason for considering a fear of persecution well founded:

- Members and sympathisers of radical armed groups such as GIA and FIJA [FIDA]. Such persons may also be subject to exclusion clauses;
- Members of moderate Islamic movements or parties;
- Members of government, civil servants, members of security forces, members of the judiciary and intellectuals who may be perceived to support a secular form of government;
- Relatives, close friends and close associates of above.

Other categories:

- Draft evasion and desertion. UNHCR cannot conclude that draft evasion and desertion are equated to an expression of political opinion. They do not provide grounds for refugee status, unless grounds of conscience can be established.
- Political involvement. Membership or active support of a political movement that is targeted for persecution will provide good reason for considering a claim to be well founded. A lesser degree of involvement may be sufficient if the applicant can show a likelihood of persecution.
- Women. May be considered as a particular social group within the 1951 UN Convention. May claim persecution due to their unwillingness to conform to the code of conduct of the Islamic fundamentalists. A thorough examination of the applicant's background and personality is required. A woman with an established career as a liberal professional may consider restrictions detrimental to her freedom and dignity. Refer to UNHCR Handbook paragraphs 40-42 and 52. An applicant's fear may be considered well founded if she can establish to a reasonable degree that her continued stay in Algeria would be intolerable for the reasons stated in the definition. [24d]

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## **Treatment Of Rejected Asylum Seekers**

**6.217** UNHCR has not called for a ban on the return of rejected asylum seekers. [8am] [24d] A country information seminar in 2001 organised by UNHCR/ACCORD recorded the following remarks by a UNHCR participant: "Since 1998 UNHCR has not declared a ban on return of rejected cases, i.e. those who have failed to convince the authorities of their credibility with regard to their past persecution. Apart from those people, one has to check on a case by case basis whether they are willing to repatriate and whether guarantees are given for their safety. We should seek guarantees from the Algerian government, but one should be very reluctant to return rejected applicants in the cases in which the exclusion clauses have been applied, even if we have guarantees, as the government is eager to have them back. In accordance with Art 3 of the ECHR one should be aware that these persons would face persecution upon return to Algeria. S/he might be subjected to torture and even to disappearance or killing - not necessarily immediately after their return, but it is very likely to happen later on." [28] (p26)

**6.218** A report by the Canadian authorities in 1998 quoted an academic at the Centre for Middle Eastern and Central Asian Studies at the Australian National University:

"It is certain that an unsuccessful asylum applicant who has a high profile in opposition or held a high ranking position in government, diplomatic corps or the armed forces would be subject to punitive measures by the state. And in the light of the above, if the unsuccessful applicant is neither known to the regime nor is his asylum application, he or she categorically faces no threat to their life or freedom. Algeria is a country of hundreds of thousands of migrants and expatriates, and movement by its citizens is not in itself cause for concern or for state suspicion. Should the state have information on returning asylum seekers, especially those with no history of political opposition, Islamic affiliation, or criminal activities, some irritations, I should imagine be expected. Asylum is not always about politics; it has

economic motivations. This latter category does not necessarily invite state suspicion or retaliation. I see no problem with Algerian seekers of asylum, which more often than not are motivated by economic concerns, returning home without being retaliated against by the state.” [8h]

**6.219** Country reports by the Canadian, Netherlands and Swedish authorities also state that claiming asylum is not treated as a ground for persecution by the Algerian authorities. [8am] [11] (P28) [12] (p52) [13] (p14)

**6.220** A report by the Canadian authorities in 2001 stated:

“Several diplomatic interlocutors confirmed that their countries deport regularly to Algeria. Indeed, a total of hundreds are returned yearly from France, Spain, Germany, Belgium, Sweden, Denmark and other European countries. Some of these removals take place under the umbrella of a formal agreement with Algeria (eg. France, Spain, Germany); others on a case-by-case basis. To the knowledge of the persons I met and to the local UNHCR Office, there has never been any problem encountered by persons returned to Algeria. While none of the countries concerned appears to have carried out a formal study of what happens to ‘deportees’, they all believe they would have heard had persons who were returned to Algeria encountered serious difficulties. ‘Deportees’ sometimes contact the embassies concerned to sort out administrative matters relating to the time they spent in the other country and none have ever complained of their treatment by Algerian authorities upon their return to Algeria. It could also be expected that relatives of ‘deportees’ would in some cases make it known if a person had suffered at the hands of the Algerian authorities but there has been no incident of this sort ever brought to the attention of the embassies concerned.” [8am] [11] (p28)

**6.221** According to a country report by the Netherlands authorities:

“People who have sought asylum in third countries and return to Algeria after their request was rejected are not prosecuted just because of the fact that they sought asylum abroad. The only form of legal action brought against someone for political activities abroad, is when it regards open activities aimed at the Algerian state. There are no charges against expressing criticism of the Algerian government. However, if the Algerian authorities find out about logistical support from abroad offered to organisations banned in Algeria this does lead to criminal proceedings. Algerian nationals, who return to Algeria after their request for asylum was rejected in another country, are often interrogated upon their entry into Algeria to determine their identity and to check whether there are any outstanding criminal proceedings or an unfulfilled military service. It can happen that people are held for several days. In the last couple of years, there have been no known cases in any European country of former asylum-seekers who were maltreated or tortured upon their return.” [12] (p52-3)

**6.222** In a further country report by the Swedish authorities in 2003, it was stated that “According to unanimous information received, Algerians who seek asylum abroad are not persecuted if returned. It is consequently unknown that returnees who seek asylum in Europe should be persecuted upon returning home. The Algerian authorities know that there are many Algerians who seek asylum abroad for economic reasons and therefore they do not have problems upon their return.” [13] (p16)

**6.223** AI issued a briefing in June 2003 on the situation of asylum-seekers originating from Algeria. This referred to the continuing need to take seriously claims from Algerian asylum seekers in the light of the human rights situation. [26a]

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## **Sahrawi Refugees In Algeria**

**6.224** Western Sahara is a territory to the south under the administration of Morocco, whose sovereignty is under dispute between the government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region. [1] (p820) [6d] (p1) Despite efforts by the UN to broker an agreement the sovereignty of Western Sahara is still unresolved. [6d] (p1) The area was part of Spanish Sahara until 1976. [1] (p820)

**6.225** USSD for Western Sahara 2003 reported “Sahrawis (as the persons native to the territory are called) live in the area controlled by Morocco, as refugees in Algeria near the border with Morocco, and to a lesser extent, in Mauritania.” [6d] (p1) USSD for Algeria 2003 reported that “During the year, the [Algerian] Government provided temporary protection to approximately 165,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970s. UNHCR, the World Food Program (WFP), the Algerian Red Crescent, and other organizations assisted Sahrawi refugees.” [6c] (p11)

**6.226** A 1997 visit report by the Canadian Lawyers Association of International Human Rights (CLAIHR) stated “On February 27, 1976, the day following the Spanish withdrawal, the POLISARIO proclaimed the existence of an independent Western Saharan state, the Sahrawi Arab Democratic Republic (“SADR”). Shortly thereafter, the POLISARIO and the SADR began to receive military, diplomatic and humanitarian assistance from the Government of Algeria.” [40a] (p8)

**6.227** CLAIHR also reported in 1997 that “The SADR is a member of the Organization of African Unity (“OAU”) and is officially recognized by more than 70 states.” [40a] (p2) A country report by the Swedish authorities in 2003 noted that “Polisario’s headquarters are in the town and military base of Tindouf. The movement has representatives in various countries.” [13] (p12) A report by Forced Migration Online in January 2004 noted that the camps effectively form a mini-state. [53] (p18)

**6.228** In a written testimony in 1997 CLAIHR stated “An estimated 80,000 people of the Western Sahara, mainly women, children, and the aged, have been living in refugee camps which have been in existence for the past twenty years. These refugees live in tents, in the harsh desert environment with extremes of temperatures, frequent sandstorms and occasional shortages of water, making living conditions extremely difficult. The survival of the camps is based on the fact that everyone works for the “cause”. No one receives a salary but rather a payment in kind is provided, including food and shelter. The refugee camps, once seen as a temporary means of escaping the armed conflict, have housed an entire generation born after 1975.” [40b]

**6.229** CLAIHR’s visit report in 1997 stated “As was clearly demonstrated to CLAIHR during the mission, the refugee camps are highly organized and provide more than just the most basic needs to their inhabitants. Despite the hostile conditions of a desert climate and the restrictions typical of refugee camps (e.g. inability to move otherwise than between camps), people generally receive adequate food, health care and housing. It appears that

significant effort is being made to ensure that the population is well-educated and that it participates actively in the governance of the camps.” [40a] (p2)

**6.230** The 2003 report by the Swedish authorities stated:

“These camps are called Tindouf, El Aiun, Awserd, Dakhla, Smara and 27 February camp (day of revolution). The majority are named after towns in the Western Sahara. Each camp, which is called a wilaya, has a governor from Polisario. The camps are well-organised with schools, health centres, etc. In their teens, the children can continue their studies in, for example, Libya, Syria, Cuba and Spain. There is also the opportunity of going to summer schools abroad. There is a USD three million aid program. To a great extent, the Western Sahrawis enjoy the same rights as Algerian citizens and can settle anywhere in the country. Although they are not granted Algerian citizenship they do receive a kind of passport with a special number and can travel in and out of Algeria.” [13] (p11) Further detailed information about the organisation and conditions in the camps is set out in the CLAIHR 1997 report. [40a] (p11-17) The Polisario also has its own armed forces and conscription system in the camps. [36b]

**6.231** The US Committee for Refugees Survey 2003 (USCR) stated that the residents of the four camps coped with occasional food shortages during 2002 caused by donor countries’ inadequate food and financial contributions to the World Food Program (WFP). [38] USCR also reported that “Despite budget shortfalls, UNHCR sought to improve its vocational training and counseling programs for refugee women, operated a nursing school, and offered polio vaccinations. UNHCR conducted a workshop for Algerian government officials and refugee leaders on refugee law and protection.” [38] The USSD 2003 report for Western Sahara also stated that “The UNHCR and the World Food Program in December appealed to donors for food aid for a population of 165,000 in the refugee camps.” [6d] (p2)

**6.232** The 2003 US State Department Report on Human Rights Practices for Western Sahara stated that “The Polisario reportedly restricted freedom of expression, peaceful assembly, association, and movement in its camps near Tindouf.” [6d] (p2)

**6.233** An AI report in June 2003 stated “Amnesty International is not aware of Sahrawi refugees being allowed by the Algerian authorities to leave the camps without the authorization of the Polisario authorities and to find safe haven in other parts of Algeria.” [26a] (p19)

**6.234** In a further visit report in 1999 CLAIHR recorded interviews in the south of Morocco with local tribal chiefs and community leaders provided by the Moroccan government who stated that it was possible to return from the camps and reintegrate into life in Morocco. These also alleged that there was no freedom of expression in the camps and that torture had occurred in detention there. [40c p31-6] Forced Migration Online noted that local integration was not an option for the Sahrawi refugees. [38]

**6.235** The local UNHCR program officer in Layoune, Morocco, told CLAIHR in 1999 that although there could be some instances of human rights abuses, she doubted that there was any systematic campaign of human rights abuse against the refugees in the camps, and did not get the impression that the refugees there were being held against their will. [40c] (p47)

**6.236 Moroccan Prisoners** Approximately 500 Moroccan prisoners are still held by the Polisario as a result of the fighting in Western Sahara. [33] A number have been repatriated in recent years. [33] Most have been imprisoned in harsh conditions for at least 20 years and many are in poor physical or mental health. [33] [40b] They are visited by the ICRC which would like to assist with repatriation. [33] A programme of family visits between Moroccan families and their detained relatives has been set up under the aegis of the UN force in the region. [78a]

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## **Annex A: Chronology Of Major Events**

**1962** Algeria gained independence after a war with France. Ben Bella was elected President.

**1965** Ben Bella deposed in a bloodless coup by Colonel Houari Boumedienne

**1976 November:** A new constitution was approved by a referendum, maintaining Islam as the state religion and formulating plans to create a socialist system.

**1978 December:** President Boumedienne died.

**1979** Colonel Ben Djedid Chadli inaugurated as President

**1986** Referendum approved a new National Charter. The constitution was amended to take account of Muslim interests.

**1987** The Government introduced austerity measures to cope with the decline in petrol prices and the increase in Algeria's national debt.

**1988** The austerity measures provoked a series of strikes. In October there were riots in Algiers, spreading to Oran and Annaba. A six-day state of emergency was imposed, and according to official sources 159 people were killed in confrontations with government forces, and more than 1,500 were arrested.

**November:** A referendum approved the proposal for non-FLN candidates to participate in elections.

**December:** Chadli elected President for a third term.

**1989 February:** A new constitution ending the one party state was approved by referendum.

FIS founded and over twenty parties licensed.

**1990**

Widespread strikes and demonstrations occurred.

**June:** In the local elections the FIS received 55% of the votes cast.

**August:** A general amnesty was announced and thousands of political prisoners were released.

**December:** Demonstrations followed the announcement that Arabic was the official language, and the use of French and Berber in schools and official translations would be punished by fines.

**1991**

**May:** FIS organised general strikes to protest about the organisation of the forthcoming elections.

**June:** Violent clashes between Islamic fundamentalists and security forces resulted in between 20 and 50 deaths.

**July:** Army units arrested about 700 Islamists and occupied the headquarters of the FIS. The President of FIS, Abbasi Madani, and the Vice President, Ali Belhadj, were arrested.

**December:** First round of the general election. FIS were the largest party with 47.5% of the votes cast.



## 1992

**January:** The National People's Assembly dissolved, and President Chadli resigned. The second round of voting was cancelled. A five-member High Council of State (HCS) was appointed to act as a collective presidency until the expiry of Chadli's term of office in December 1993. The chairman was Muhammad Boudiaf.

**February:** HCS declared a state of emergency.

**March:** FIS dissolved by the Government.

**June:** President Boudiaf assassinated. Violence increases and the GIA emerges as the main group behind these operations.

**July:** Madani and Belhadj were sentenced to 12 years imprisonment.

## 1993

**February:** State of emergency renewed for an indefinite period.

**May:** Large demonstrations took place, mainly organised by the UGTA.

**July:** Kasdi Merbah, former Prime Minister, was assassinated.

## 1994

**January:** Liamine Zeroual appointed Head of State for a three-year term. A three-year transition period culminating in a presidential election was announced.

**September:** Madani and Belhadj released from prison and placed under house arrest.

## 1995

**November:** Presidential election. There were four candidates, and President Zeroual won 61% of the valid votes. The FLN, FFS and FIS urged people to boycott the elections.

## 1996

**February:** Legislation adopted on comprehensive Arabisation of official and public business. [8x]

**November:** A referendum approved changes to the constitution which included changing the law regulating political parties, banning those based on religion, language, gender or regional differences.

## 1997

**January:** The Secretary General of the UGTA, Abd al-Hak Benhamouda, was assassinated.

**March:** supporters of President Zeroual set up the National Democratic Rally (RND) to run in the 5 June legislative elections.

**April:** FIS called for a boycott of the elections. Hamas changed its name to Movement of a Peaceful Society, to conform with the new laws regulating political parties.

**June:** Elections - the turnout was officially recorded as 65%. The RND won 155 seats and became the largest party in the National Assembly. They formed a coalition with the Islamist Movement for a Peaceful society (MSP), and the National Liberation Front.

**September:** FIS chief Madani released, but then placed under house arrest.

**October:** A major split occurred in FIS, when supporters of Madani denounced other FIS leaders for declaring a cease-fire of its military wing, the Islamic Salvation Army (AIS).

Local elections were won by the RND. In October and November the main legal opposition groups organised demonstrations against what they saw as fraud in the elections. Demonstrators were beaten with batons.

**December:** Members of Algeria's local councils chose representatives to sit in the upper house of parliament. The National Democratic Rally gained 35 of the first 42 seats decided.

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## 1998

**February:** Four other armed Algerian fundamentalist organisations, the Ansar Battalion, the Al-Sharq al-Awsat, the Rahman Battalion and the Islamic League for the Call and the

Jihad had joined the truce announced by the armed wing of the FIS in October 1997. The violence continued in the early part of 1998, and 400 were killed in one massacre.

**May:** An executive decree was signed by Algeria's Health Minister on 5 May allowing women who had been raped by suspected Muslim rebels to have abortions.

Thirty political parties were dissolved for failing to conform with the new rules on political parties.

**June:** On 25 June Matoub Lounes, a popular Berber singer, was killed, and his wife and 2 sons were wounded, at a false roadblock by an armed group. Rioting and demonstrations in Berber towns followed.

**July:** Implementation of a law generalising the use of Arabic in enterprises and public departments.

Visit to Algeria by Eminent Panel appointed by the Secretary General of the United Nations.

**September:** President Zeroual announced that he would resign before the end of his term of office and hand over power after presidential elections in early 1999.

## 1999

**April:** Abdelaziz Bouteflika announced as the winner of the presidential election. On the eve of the presidential election six of the seven presidential candidates withdrew from the elections claiming fraud. [1]

**June:** The AIS declared an end to their guerrilla struggle against the Government on 6 June. [1]

President Bouteflika promised an amnesty for the AIS and its supporters and submitted an amnesty law as part of the Civil Concord Law. [1]

**July:** Approximately two thousand prisoners imprisoned for subversive acts were released. [1]

**September:** Referendum on the question of "Do you agree with the President's approach to restoring peace and civil accord?" was won by the Yes votes.

**November:** Abdelkader Hachani, a leader of the FIS, was killed in Algiers. In December a suspect was arrested. [7a]

**December:** A new Prime Minister, Ahmed Benbitour, and cabinet were appointed. [1] [7a]

## 2000

**January:** About 180 people were killed during Ramadan. [7b]

The AIS and LIDD armed Islamist opposition groups disbanded just before the expiry of the amnesty for armed groups. [1]

It was reported that many AIS members would join the national army to fight the remaining armed groups. [1]

**April:** Four international human rights groups, including AI, were allowed to visit Algeria. [1]

**August:** Ali Benflis was appointed Prime Minister. [1]

**November:** The Government refused to legalise the Wafa party on the grounds that many of its members were ex-FIS members. [1] [7f]

**December:** Over 300 people were killed in violent incidents during the month of Ramadan. [7g] [73b]

## 2001

Violent incidents and clashes with the security forces continued to be reported. Over sixty-six insurgent acts were reported in the first three months and about three hundred people were killed. [73b]

Up to eighty people were killed in riots in the Kabylia region between April and June. This followed the killing of a man in police custody during the annual "Berber Spring" demonstrations. The RCD party withdrew from the government in protest at its handling of

the situation. [1]

**November:** Over seven hundred people were killed in Algiers when floods engulfed the working class district of Bab el Oued following a torrential downpour. [1]

## 2002

**February:** GIA leader Anton Zouabri was killed by security forces. [1] (p180) According to unconfirmed reports Rachid Oukali alias Abou Tourab Errachid, his reported successor, was killed by security forces in June. [7m]

**March:** The Government agreed a number of concessions in response to the Berber complaints. These included amending the constitution to give official status to the Berber language, and compensation for relatives of victims of the violence. [1] (p174)

**May:** The FLN party won majority control in elections for the legislative assembly. [1] [71] The elections were described in reports as marred by violence and a boycott by the two main Berber parties. [71] A new government was formed under the previous prime minister, Ali Benflis. [71]

**October:** The FLN party won the majority in local elections. [7o]

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## 2003

**May:** Ahmed Ouyahia replaced Ali Benflis as Prime Minister. [1]

An earthquake caused serious damage and loss of over 2000 lives in north east Algeria, including parts of Algiers. [1]

**July** Two main FIS leaders, Abassi Madani and Ali Benhadj, were released from prison and house arrest on completion of their sentences. [1]

**August:** Tourists kidnapped by an armed Algerian Islamist group in the Sahara desert were freed. [7r] (p15432)

**September:** Several FLN ministers were dismissed from the government. [1] (p177) [7s] (p15445)

**October:** A FLN Congress that was to announce the candidature of Ali Benflis for President was banned by the government. A new cabinet was announced. [7t] (p15488)

**December:** An Algerian court froze the activities of the FLN party. [7v] (p 15562)

The RND party of President Bouteflika obtained 17 out of 46 seats in elections for the Council of the Nation [Senate]. [7v] (p15562)

About 900 people were reportedly killed in the year, including 420 Islamic extremists. [5a] [59f] The level of violence blamed on armed Islamic groups declined sharply in 2003 according to Algerian official statistics and the Algerian press. USSD for 2003 reported that "Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year, a 61 percent decrease in violent deaths from 2002. Official government statistics indicated that fewer than 900 persons were killed." [6c] (p2)

## 2004

**January:** The head of the Algerian army, General Lamari, stated the army would be neutral in the forthcoming presidential election, also that the army would deal with any threat to political stability. [7w] (p15587)

A joint declaration by leading political figures denounced methods used by the head of state and his clan to hang on to power and called for transparency in the presidential election. [7w] (p15587)

Seventy-four people were killed in the first two months of the year in armed group incidents. [5a]

**March:** The date of the Presidential election was announced as 8 April 2004. Six candidates were approved by the Constitutional Council:  
Abdelaziz Bouteflika: Incumbent president

Ali Benflis: Leader of the National Liberation Front, former single party  
Saad Abdallah Djaballah: Leader of National Reform Movement (MRN).  
Said Sadi: Leader of the Rally for Culture and Democracy  
Louisa Hanoune: Leader of the Workers' Party  
Ali Faouzi Rabaine: Leader of Ahd 54 party.  
It rejected three applicants: Ahmed Taleb Ibrahimi, Sid Ahmed Ghozali and Moussa Touati. [76a]

**8 April** Abdelaziz Bouteflika was re-elected as President with 84.9% of the votes cast. [59m]  
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## Annex B: Political Organisations

See also Section 5 Political System and Section 6 Political activists  
Sources 1, 2, 12, 24a and 28 contain more detailed information about Algerian political parties of the past 10 years. Source 37b also analyses the implications of the June 2002 legislative elections for various parties and movements.

**Al-Islah** see MRN

### **Ennadha (or Nahda)**

Led by Hahbib (or Lahbib) Adami. [1] [2] [12] **Yazid Benacha was elected Secretary-General in October 2003.** [77a] Fundamentalist Islamist group. [1] It claims to have many former FIS members in its ranks. [12]

**Ettahadi / Challenge** - see MDS

### **Front Democratique (FD)**

Headed by former Prime Minister, Sid Ahmed Ghozali, the FD applied for registration in May 2000, but received no response within the time period specified by law and has since remained unlicensed. [6c] [12] Ghozali's application to be a contender for the April 2004 presidential election was unsuccessful. [76a]

### **Front Islamique du Salut (FIS) / Islamic Salvation Front / al-Jibhat al-Inqath**

Leadership: Abassi Madani (President); Ali Belhadj (vice-president); Annuoar Haddam (spokesman in exile) [1] [2] The FIS was founded in March 1989 as an umbrella organisation for Islamist groups. It may have existed in some form prior to this. The FIS was widely supported before it was banned on 4 March 1992. [1] It remains illegal. [1]

The two main founders were Abbasi Madani and Ali Belhadj. They were arrested on 30 June 1991 and charged with conspiring to overthrow the Government. [1] In July 1992 they were sentenced to 12 years imprisonment. [1] They were put under house arrest in September 1994, but Belhadj was later returned to prison. [1] Madani and Belhadj were released in July 2003 on completion of their sentences. They remained subject to restrictions on their political activity. [1] Both were issued with a court order banning them from engaging in any political activity; holding meetings; establishing a political, cultural, charitable or religious association; participating in a political party; or becoming a member of any other association. Ali Belhadj refused to sign the order. See Annex B Political Organisations [1] (p177) Dr Madani was given permission in August 2003 to leave Algeria. [71] (p15428) The USSD for 2003 stated "The Government issued him a passport in late August and Madani was allowed to travel abroad in early September. A condition of his provisional

liberty precludes him from making media statements; he has done so frequently while under house arrest and from abroad with little or no government retaliation.” [6c] (p6)

Other leaders included Abdelkader Hachani, a moderate leader of the FIS, who was killed in Algiers in November 1999. [1] [2] [7a] Ahmed Zaoui, another leader, is in detention in New Zealand while the authorities there consider his case. [70]

The FIS party has an organisation in exile. [7n] It is divided into factions between whom there is animosity. [12] In August 2002 a FIS Congress in Belgium reportedly ousted Rabeh Kebir from party management. [7n] At a further meeting in Switzerland in October 2002 Mourad Dhina was named as interim head of the party's executive. [59b] However, in April 2004 Rabah Kebir congratulated President Bouteflika on his re-election, speaking on behalf of the group in exile. [59n] The aims of the FIS are to take power after reclaiming a place in the political process and create an Islamic state based on the Sharia. The FIS claimed to be the only true Islamic party and drew its support from all sections of society. [2]

Some ex-FIS members are in the Ennadha, MRN (el Islah), and Wafa parties. [2] See also Political Activists

### **Front de Liberation Nationale (FLN) / National Liberation Front / Jabha al-Watani**

Secretary-General: Boualem Benhamouda. Until February 1989 this was the only legal party in Algeria. This party led the seven-year war of independence with France, which ended in 1962. It has a basically socialist philosophy. [1] [24a] The FLN gained a majority in the June 2002 legislative elections and the October 2002 local elections. [70] [12] The party has been in conflict internally over the rivalry between Ali Benflis and the President. Benflis was a contender in the Presidential election of April 2004. See Section 4 History Events of 2003 and Events of 2004 and Presidential Election

### **Front des Forces Socialistes (FFS) / Socialist Forces Front**

This party was originally set up in 1963, and was revived and legalised in 1989. The President is Hocine Ait-Ahmed, who returned to Algeria in 1999 to participate in the 1999 Presidential elections following self-exile in Europe. He still lives mainly in Switzerland. [12] The party believes in democratic socialist principles, and dialogue with the FIS. It obtains most of its support from Berbers and middle-class urban residents in Algiers and some other cities. [1] [2] [12] [24a] The FFS boycotted the June 2002 legislative elections but took part in the October 2002 local elections. [1] [70] A new first secretary, Djoudi Mammeri, was appointed in April 2003. [7q]

### **Front National Algérien (FNA) / Algerian National Front**

Leader: Moussa Touati. [1] Won 8 seats in the May 2002 legislative elections. [37b]

**Hamas** - see MSP

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### **Mouvement Cultural Berbère (MCB) / Berber Cultural Movement**

Founded in 1976 and is not so much a political party as a pressure group associated with the Berber FFS and RCD parties. It is engaged in efforts to promote the Berber language and identity. Each April the MCB organises demonstrations in Kabylie towns to commemorate the "Berber Spring" when a number of students were killed in demonstrations in Tizi Ouzou in 1980. [11] [24a]

**Mouvement Democratique et Social (MDS) / Democratic Social Movement, formerly Ettahadi and PAGS**

Secretary-General; Al-Hashemi Cherif. Left wing. Launched in October 1999 as successor to Ettahadi, itself created as successor to the Socialist Vanguard Party (Parti de l'Avant-Garde Socialiste - PAGS), itself descended from the Communist Party (CPA) founded in the 1930s. Ettahadi boycotted the 1997 and 1999 elections. Its conversion into the MDS signified a renewed commitment to the democratic process and the mixed economy, as well as opposition to any compromise with Islamic extremism. [1] (p163) [2] [24a]

**Mouvement pour la démocratie en Algérie (MDA) / Movement for Democracy in Algeria**

Ceased to exist legally in 1997. [8ak] [24a]

**Mouvement de la Société pour la paix (MSP) / Movement of a Peaceful Society / Harakat Moudjtamaa As-Silm Formerly Hamas**

The name was changed in April 1997 in order to meet the criteria of the law banning political parties based on religious or ethnic issues. It is a moderate Islamic party and condemns violence and intolerance in the name of religion. It promotes respect for human rights, including women's rights in the workplace. [1] [2] [24a] The party is represented in the cabinet but lost half its seats in the May 2002 election mainly to the MRN. [12] The party's leader, Mahfoud Nahnah, died in June 2003. [1] (p176) Muhammed Megahria became the interim leader, and in August 2003 Bougherra Soltani was announced as the new leader. [1] (p176)

**Mouvement de la Renaissance (MR) / Renaissance Movement / Harakat al-Nahda al-Islamiyya**

Moderate Islamist. Founded in 1990 by Sheikh Abdallah Djaballah. [1] (p164) [2]

**Mouvement de Réforme Nationale (MRN) / al-Islah**

Also known by its Arabic name al-Islah. Founded in 1998 and headed by Sheikh Abdallah Djaballah. [1] Its members include former FIS supporters and it is considered ideologically closest to the former FIS. [12] Djaballah was one of the candidates in the presidential election of April 2004. [76a]

**Parti du Renouveau Algérien (PRA) / Algerian Renewal Party**

Secretary-General: Yacine Terkmane. Leader: Nourreddine Boukrouh. Moderate Islamist. [1] The PRA was founded 1989 and advocates Algerian nationalism based on a modern and progressive form of Islam. It favours a free market economy. [12]

**Parti du Travail (PT) / Parti des travailleurs / Workers Party**

Leader: Louisa Hanoune. Left wing. [1] [2] At the May 2002 elections the PT increased its seats from 4 to 24. The PT is against all foreign interference, including the activities of the IMF and EU association. It also opposes the privatization of state owned companies. [12] Louisa Hanoune was one of the candidates in the presidential election of April 2004. [76a]

**Rassamblément pour la Culture et la Démocratie (RCD) / Rally for Culture and Democracy**

President: Said Saadi (or Sadi). [1] This party was set up in 1989 by former FFS members. It is largely made up of Berbers. It advocates recognition of the Berber language,

Tamazight, as a national language. It is secular and anti-Islamic and supports the government in its campaign against the Muslim fundamentalist rebels. It is against legalisation of the FIS. [2] [24a] The RCD boycotted the June 2002 legislative elections and the October 2002 local elections. [70] During 2002 it was alleged that four members of the RCD and their families had been detained and tortured and no action had been taken in connection with the case by the authorities by the end of 2003. [6c] p4) Said Sadi was one of the candidates in the presidential election of April 2004. [76a]

### **Rassemblement nationale démocratique (RND) / National Democratic Rally**

Set up In March 1997 by supporters of President Zeroual to contest the 5 June legislative election. In that election it won 156 seats. [1] (p167) It was the largest party in the National Assembly prior to the June 2002 legislative elections. [1] The leader is the current Prime Minister Ahmed Ouyahia who was elected secretary-general in January 1999. [1] [2] [12]

### **Wafa wa al-adiAdl (Wafa) / Mouvement Fidélité et Justice / Movement for Fidelity and Justice**

Leader: Ahmed Taleb Ibrahimi (former foreign minister and 1999 presidential candidate) Founded in 1999, but refused government recognition as a political party in 2000 on the grounds that it contained large numbers of FIS supporters. [1] [2] [6c] [7a] [7f] [11] [12] The Wafa party was widely considered as an attempt to breathe new political life into the FIS. [12] Ibrahimi's application to be a contender for the April 2004 presidential election was unsuccessful. [76a]

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## **Annex C: Main Armed Groups**

A number of smaller armed groups are also listed in source 24a. See also - Section 6 Armed Groups and Section 5 Military Servicemen Threat from Armed Groups

1. Two of the armed groups operating in Algeria, the GSPC and the GIA, are proscribed organisations in the UK under the Terrorism Act 2000.
2. The violence by armed groups takes place primarily in the countryside and smaller towns as the security forces have largely forced the insurgents out of the cities, [1] (p178) [6a] (p2) [6c] (p2) [6e] (p4) [8y] [8ac] [11] (p6) [12] (p24) [13] (p7) [26c] (p33) [27a] (p1) except in the strongholds of the armed groups. [8z] See Section 6 Human Rights Overview

### **The Salafist Group for Call and Combat (GSPC) /Groupe Salafiste pour la Prédication et le Combat / Da'wa wal Djihad**

3. The GSPC began in the region east of Algiers and Kabylia. [8z] The GSPC was a former faction of the GIA but split from the group in 1998. [1] (p178) [8z] [12] (p23) This group appears to have eclipsed the GIA since 1998 and is now the largest and most active and effective armed group operating in Algeria. [6a] (p2, Appx B) Its adherents appear to have largely co-opted the support networks of the GIA, active particularly throughout Europe, Africa and the Middle East. [6a] (Appx B) Cells reportedly exist in Italy, Germany, Belgium, and Spain, as well as in Algeria, with Tunisian and Moroccan members, as well as Algerians. [1] (p179)

4. The main emir has been Hassan Hattab, a former GIA emir. [8z] However according to reports in late 2003 there was dissent in the group and Hattab was replaced by Nabil Sahraoui, alias Abou Ibrahim Mustapha or Abou Mouthala. [56c] [59e] [61b] A splinter group called the Free Salafi Group led by Abou Mouthala was reported in February 2004. [56c]

5. The GSPC is reportedly active in the centre-east and the east of the country, [12] (p23) [26c] (p34) [61a] namely the region between Boumerdes province and part of Kabylia. [7h] (p14268) It is reported to have groups in Jijel, Tizi Ouzou, Setif and the area around Constantine. [8z] [28] (p16) Some of its emirs are of Kabyle (Berber) origin. [8z] The GSPC also operates in some cities, such as Boghni [8z] and also the southern part of the country. [26c] (p34) Elements of the group operating in Algiers' suburbs were dismantled by the security forces in 2002/3. [12] (p25)

6. Like the GIA, the GSPC is more a collection of local militias than an organisation with a clear structure. [12] (p23) [26c] (p34) According to some reports the organisation has been weakened by rifts in recent months, and the defection of splinter groups, also by operations against them by the Algerian army. [56c] [59e] [59h] Hattab directly controlled the activities in the centre-east, known as "the second region" including Tizi Ouzou and the Kabylia region and some coastal areas to the east of the capital. [61a]

7. The "Salafi Group" is a part of the GSPC, led by Amari Saifi, also known as Abderazzak "El Para". [59i] He is reportedly a former GIA emir and second in command of the GSPC, [59e] [59i] [61a] and to lead the activities of the group in the eastern province (or what is known as the "fifth region," in the area of Batna, the capital of the Aures. [61a] This group was trying to infiltrate Algiers in 2002. [61a]

8. A GSPC group was also reported in the Lakhdaria-Kadiria region (70 km south of Algiers). [57a] The local emir of this El-Farouk phalanx was reportedly Ahmed Djebri. [57a]

9. The GSPC concentrates its operations mainly on government and military targets, primarily in rural areas, [6a] (Appx B) more specifically officers of the security forces, [12] (p23) It is often behind the ambushes and killing of soldiers and municipal guards in roads and mountainous areas. [7h] (p14268) It is said to carry out fewer operations than the GIA but they are more deadly. [8z] It finances its operations by racketeering, cross border smuggling in western Algeria, real estate investments, money laundering activities and Algerian support networks, particularly those outside Algeria. [8z] The group also collaborated with smugglers and Islamists in the south who supplied insurgents with weapons and communications equipment for attacks in the north. [6a] (p2)

10. Although the strength of the GSPC is unknown, [6a] (Appx B) [26c] (p34) it is estimated by various sources as about three hundred and fifty [1] (p180) [25b] (p7) or five hundred to six hundred. [12] (p23) Like the GIA, the GSPC rejected the civil concord law but some of its members have taken advantage of the amnesty. [12] (p7) About ninety GSPC members reportedly surrendered under the amnesty law up to January 2001. [8z]

11. The authorities have also sought to convince members who are hiding in the mountains to abandon their arms and give themselves up, in exchange for a promise of good treatment. According to some reports many members of the group came down from the mountains after they read the fatwas which describe those who carry out operations on behalf of the armed groups as "defectors". [61a] However a recent public statement by the GSPC rejected the call by the FIS leader, Abassi Madani, for a truce with the authorities. [61b]

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**Armed Islamic Group (GIA) aka Armed Group / Groupes Islamiques Armés**



**12.** This group emerged in 1993 and claimed to be involved in a Jihad or holy war. [1] (p165) Its stated aim was to overthrow the current regime and set up a fundamentalist Islamic state. [1] (p165) [6a] (Appx B)

**13.** Many GIA members were former guerilla fighters in Afghanistan. [1] (p165) [8z] Many of these have been killed in combat or are still fighting with the GIA, and some are in Europe. They are considered to be the harshest faction. [8z]

**14.** The GIA is no longer a nation-wide force. [6a] (p2) [8z] In 1996 there were splits in the GIA that led to a number of smaller groups being formed. [8z] It is composed of semi-autonomous groups each controlled by local emirs. [1] (p180) [8an] [12] (p22) [24a] (p13) [26c] (p35) [61a] Allegedly, Algeria was divided into nine zones, each with an active group of between 20 and 300 members. [12] (p22) Another report estimated that the groups each contained six to seven fighters whose actions were uncoordinated. [1] (p180)

**15.** The former main emir, Antar Zouabri, was killed by security forces in February 2002. [1] (p180) [12] (p22) His replacement was reportedly Rachid Abou Tourab (real name Rachid Oukali). [1] (p180) [7m] (p14936) [12] (p23)

**16.** The current strength of the GIA is estimated by various sources as ranging between sixty, [25b] (p7) fewer than a hundred, [6a] (Appx B) two hundred, [61a] and several hundred. [8an] [72a] [61a] [68a] Nevertheless they are still not a negligible force, bearing in mind that they are not afraid of the consequences of their actions. The major weakness of this group is that its members have lost the trust of the local population, following the horrible massacres that are attributed to them. [61a]

**17.** The GIA does not distinguish between active enemies and neutral bystanders and sees any one who is not with them as being against them and thus a potential target. [12] (p22) The group's strategy is based on terrorising the population and stealing their provisions. [61a]

**18.** Many of their attacks are killings of ordinary people in rural areas, which include atrocities such as beheadings and massacres. [12] (p22) Some attacks on communities are said to be because they had not provided support to the armed groups, and to steal food and goods. Others are false roadblocks set up by the GIA posing as soldiers for the purpose of extortion, robbery and murder. [6c] (p2,10) [8r] [8z] [11] (p6)

**19.** The group members stay in an area for a few days only. If one of them comes down from the mountains and does not come back within one day, the group immediately leaves its hide-out and moves to another area. This is in case the person in question might have been arrested or might have decided to inform the police about his comrades and their hide-out. [61a]

**20.** The GIA is reportedly active in large sections of the northern part of the country [26c] (p35) notably in the central and western parts of the country, and in the Algiers region [8z] especially Mitidja, [1] (p180) [8z] [25b] (p7) Medea, [8z] and Blida. [8r] [61a] They are scattered in various regions inside the chain of mountains in western Algeria such as the wilayas of Ain Delfa, Chlef and Medea. [7h] (p14268) [8z] [28] (p15) [61a] They compete for influence with other splinter groups that are mainly active in the centre-east and eastern provinces. [61a]

21. The GIA was also said to be very aggressive in the areas of Tipaza and Bouira where many cases of racketeering and extorting money from villagers were ascribed to them. [28] (p15) The GIA does not now have a presence in Kabylia [82] (although a large part of its membership was of Kabyle (Berber) origin. [28] (p3) See Ethnic Groups ) There are also GIA residue pockets further west in Relizane, Mascara, Tiaret and Saida. [7h] (p14268)

22. The GIA rejected the amnesty law. [1] (p177) [12] (p23) However, some GIA members surrendered to the Algerian authorities within the framework of the measures provided by the law on restoring civil accord. [7d] (p14119)

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### **Katibat El Ahwal/ El Ahwal / Houmet el-dawa el salafiyya / Defenders of the Salafi Propagation/Protecteurs de la predication salafiste (Guardians of Salafist Preaching - PPS)**

23. This is reported to be a dissident splinter group of the GIA and one of the most dangerous and well organised armed groups. [1] (p180) [8u] [12] (p23) [61a] It is said to include members who fought alongside the mujahidin in Afghanistan, including the leader, Slim Al Afghani, [61a] and to have links to Al Qaida. [1] (p180) [25b] (p7) It is said to operate west of Algiers, [12] (p23) [25b] (p7) in the centre-west of the country. [8u] Specific sites reported include around Chlef, [1] (p180) [8u] Tiaret, Tissemsilt, Relizane, [1] (p180) [7b] (p13835) El Ourenis and Remka. [8u]

24. There are several reports about the size of the group: seventy members [25b] (p7); a decline from five hundred down to one hundred members at present; [12] (p23) and three hundred and fifty members. [1] (p180)

### **Groupe Salafiste pour le Djihad**

25. Abdelkader Souane, a former FIS militant, [1] (p180) is the reported leader of this group. [1] (p180) [25b] (p7) They are said to have a political strategy, including restoring the FIS to legality, and to be close to Mourad Dhina, head of the FIS executive - see Annex B Political Organisations. [1] (p180) They are said to number sixty men [25b] (p7) or possibly one hundred, and to target members of the self-defence groups and their families. [1] (p180)

### **Other Groups**

26. Small numbers of new recruits were reported to be coming forward on a regular basis since 2002. They included former repentants and false repentants, who switched to setting up new networks that were responsible for attacks specifically against police officers in the spring and summer of 2002, according to some observers and comments by the Algerian Minister of Home Affairs in July 2002. [1] (p180) [12] (p24) The police later stated it happens regularly that small groups of GSPC militants enter Algiers for an extortion operation then immediately disappear from the city again. [12] (p26)

27. **The Djamaat al-Ahrar / independents Group** was claimed to be responsible for a number of attacks in and around Algiers in mid-2002, including killings of policemen. [74a] In August 2002 the authorities announced that an Islamic group consisting of sixteen members had been dismantled. [12] (p25) No more bomb attacks or murders of security officers have since taken place in Algiers. [12] (p26)

### **28. Islamic Salvation Army (AIS)/ Armée Islamique de la Salut**

The AIS was created in mid-1994 [1] (p166) and is often called the armed wing of the FIS, [12] (p21) [24a] (p7) although the exact relationship was ambiguous. [12] (p21) The leader was Medani

Mezrag. [1] (p166) [24a] (p7)

**29.** Following a ceasefire in October 1997, [1] (p168) the AIS declared an end to their guerrilla struggle against the Government on 6 June 1999. [1] (p169) AIS members were granted an unconditional amnesty by President Bouteflika and disbanded in January 2000. [1] (p170) Some of its members were initially enrolled as an auxiliary unit of the national army in operations against the GIA. [1] (p170, 178) [7b] (p13834)

**30. Islamic League for Call and Jihad / Ligue Islamique de la dawa et du Djihad (LIDD)** This group was led by Ali Benhadjar, a former FIS leader. [7b] (p13835) Part of the LIDD joined the cease-fire announced by the AIS in October 1997 and also followed the AIS in disbanding in January 2000. [7b] (p13835) [12] (p22) A dissident splinter group of the LIDD reportedly continued fighting in eastern Algeria. [10] (p16)

**31. Islamic Front of the Armed Jihad/Front Islamique de Djihad armé (FIDA/FIJA)** This group was active in the 1990s, but has since been neutralised. [74a] It was responsible for the killing of prominent figures or representatives such as white collar professionals, officers, academics, intellectuals, trade unionists and journalists. [24b] (p3) [74a]

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## Annex D: Prominent People

**Hocine Ait Ahmed** -- Socialist Forces Front leader (FFS) who returned to Algeria to participate in the 1999 presidential elections following self-exile in Europe. One of the historic leaders of the Algerian War of Independence. [1] (p163, 169)

**Ali Belhadj** -- FIS vice president. Sentenced to 12 years imprisonment in 1991. [1] (p165) He was released from prison in July 2003 on completion of his sentence. [1] (p177)

**Ahmed Ben Bella** -- first President of Algeria after independence. Leader of the now banned MDA. [1] (p161) [8ak]

**Ahmed Benbitour** -- former Prime Minister of cabinet appointed in December 1999. [1] (p170) [7a] (p13798)

**Cheikh Ali Benhadjar** -- leader of the Islamic League for the call and the Combat (LIDD) - a fundamentalist Islamic militia which disbanded in January 2000. [7b] (p13835)

**Ali Benflis** -- Prime Minister from May 2000 [1] (p171) to May 2003. [1] (p177) Candidate in the presidential election of April 2004. [76]

**Mohammed Boudiaf** -- President (then known as Chairman of the High Council of State) from January 1992 until he was assassinated in June 1992. [1] (p164-5) One of the historic leaders of the Algerian War of Independence. [1] (p164)

**Abdelaziz Bouteflika** -- President of Algeria from April 1999 to date. [1] (p169)

**Ahmed Taleb Brahimi (or Ibrahimi)** -- leader of Wafa party. See Annex B Political Organisations Presidential candidate in April 1999, [1] (p169) his attempt to run in the April 2004 election was rejected. [76]

**Ben Djedid Chadli** -- President 1979 -1992. [1] p162)

**Abdallah Djaballah** -- former leader of Ennahda/Islamic Renaissance Movement. [1] (p164) Present leader of MRN/al Islah party. He was a candidate in the 1999 and 2004 presidential elections. [1] (p169) [76]

**Sid-Ahmed Ghozali** -- leader of FD party and former Prime Minister. [1] (p165) His attempt to run in the April 2004 presidential election was rejected. [76]

**Abdelkader Hachani** -- senior FIS official. Led FIS election campaign in 1991. Murdered in Algiers in November 1999. [1] (p170) [7a] (p13799)

**Anouar Haddam** -- head of the self-declared FIS Parliamentary Mission Abroad. [2]

**Hassan Hattab** -- leader of GSPC armed group. [1] (p170) **[8z]** Allegedly replaced in 2003.

[59e] [61b]

**Moulod Hamrouche** -- former Prime Minister. Presidential candidate in 1999. [1] (p163, 169)

**Louisa Hanoune** - leader of **PT** party. Candidate in the presidential election of April 2004. [76]

**Ahmed Taleb Ibrahim** see Brahimi above

**Rabah Kebir** -- one of the senior FIS leaders in Europe. [1] (p166, 167) See Annex B Political Organisations

**Lt-Gen Muhamed Lamari** -- chief of military forces. [1] (p166, 169, 170)

**Maj-Gen Smain Lamari** -- head of counter-espionage and internal security. [1] (p170)

**Abdelhaq Layada** -- former **GIA** leader-currently in prison.

**Matoub Lounes** - popular Berber singer. Killed at a roadblock in 1997. [37c] (p16)

**Abbassi Madani** -- one of the main FIS leaders. Sentenced to 12 years in prison in July 1991, he was later transferred to house arrest in 1994 [1] (p166) and released in July 2003. [1] (p177) See Annex B Political Organisations

**Maj-Gen Tawfik Medienne** -- head of military intelligence and security. [1] (p169, 170)

**Madani Merzag** -- **ALS** leader. [1] (p68)

**Sheikh Mahfoud Nahnah** -- former leader of **MPS** - formerly Hamas. Came second in the Presidential elections in 1995. He died in June 2003. [1] (p176)

**Ahmed Ouyahia** -- former Prime Minister and Justice Minister. [1] (p169, 170) Re-appointed Prime Minister in May 2003. [1] (p177)

**Said Saadi or Sadi** -- leader of RCD party. [1] (p163)

**Mohamed Swain** - human rights activist. See Section 6 Human Rights Activists

**Ahmed Zaoui** -- former member of the FIS consultative committee and acting official spokesman for the new FIS coordination council abroad. Granted asylum in New Zealand in 2003 but is still in detention pending security investigation by the authorities. [59d] [70]

**Ali Zouita** -- Prominent lawyer; was held in detention from 1993 until 1997 despite being acquitted by a court of aiding an armed group.

**Antar Zouabri** -- **GIA** leader, killed by security forces in February 2002. [1] (p180)

**Liamine Zeroual** -- Former General, Foreign Minister [1] (p165) and President of a transition government in 1994. [1] (p165) President of Algeria from 1995 until he resigned in April 1999. [1] (p165, 167, 169)

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## Annex E: Glossary

**ALS** Islamic Salvation Army

**ALDHR** Algerian League for the Defence of Human Rights

**ANFVT** Association nationale des victimes du terrorisme

**CNCPPDH** National Consultative Committee for the Promotion and Protection of Human Rights

**FFS** Front des Forces Socialistes / Socialist Forces Front (political party)

**FIDA/FIJA** Islamic Front for Holy War (former armed group)

**FIS** Front Islamic de Salut / al-Jibhat al-Inqath - Islamic Salvation Front (banned Islamic political party)

**FFS** Socialist Forces Front / Front des Forces Socialistes (Berber political party)

**FLN** Front de Liberation Nationale / National Liberation Front / Jabha al-Watani (political party)

**GIA** Group Islamic Armé / Armed Islamic Group (armed group)

**GSPC** Groupe Salafite pour la Prédication et le Combat / Salafist Call and Combat Party (armed group)

**LADDH** Ligue Algerienne de Defense des Droits de l'homme (Algerian League for the

Defence of Human Rights)  
**LIDD** Islamic League for Call and Combat (armed group)  
**MCB** Mouvement Cultural Berbere / Berber Cultural Movement (Berber cultural pressure group)  
**MDA** Mouvement pour la Democratie en Algerie - Algerian Movement for Democracy (political Party)  
**MDS** Mouvement Democratique et Social / Social Democratic Movement (formerly Ettahadi) (political party)  
**MIA** Armed Islamic Movement (Former armed group)  
**MPS** Movement of a Peaceful Society (formerly Hamas) (political party)  
**NCC** National Consultative Council  
**NPA** National People's Assembly  
**ONDH** Observatoire national des droits de l'homme (National Observatory for Human Rights)  
**ONVT** Organisation nationale des victimes du terrorisme  
**ONVITAD** Organisation nationale des familles des victims du terrorisme et des ayants droit  
**PRA** Parti de Renouveau Algerian - Algerian Renewal Party (political party)  
**RCD** Rassemblement pour la Culture et la Democratie - Rally for Democracy and Culture (Berber political party)  
**RND** Rassemblement national démocratique National Democratic Rally (political party)  
**UGTA** Union Générale des Travailleurs Algériens / General Union of Algerian Workers  
**UNEA** Union Nationale des Etudiants Algeriens / National Union of Algerian Students  
**UNFA** Union Nationale des Femmes Algerien / National Union of Algerian Women

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